

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	
ex rel. [UNDER SEAL])	
	)	<u>UNDER SEAL</u>
Plaintiffs,)	
	)	FIRST AMENDED COMPLAINT
v.)	
	)	Civil Action No. CV-08-3096
[UNDER SEAL])	
)	
Defendants.	)	(Johnson, J.)
	)	(Levy, M.J.)
Defendants.)	
_____)	

FILED IN CAMERA AND UNDER SEAL PURSUANT TO COURT ORDER

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)
ex rel. DON HANKS,)

Plaintiffs,)

v.)

AMGEN, INC.; UNITED STATES)
ONCOLOGY SPECIALITY, LLP;)

[Alabama])

MONTGOMERY CANCER CENTER;)

ONCOLOGY SPECIALITIES, P.C.;)

BIRMINGHAM HEMATOLOGY -)

ONCOLOGY ASSOCIATES; SOUTHEAST)

CANCER NETWORK; THE KIRKLIN)

ONCOLOGY CLINIC; RADIATION)

THERAPY ONCOLOGY, P.C.;)

[Arizona])

PALO VERDE HEMATOLOGY-)

ONCOLOGY, INC.; IRONWOOD CANCER)

AND RESEARCH CENTERS; DESERT)

ONCOLOGY; ARIZONA CENTER FOR)

HEMATOLOGY AND ONCOLOGY, P.C.;)

SOUTHWEST HEMATOLOGY)

ONCOLOGY;)

[Arkansas])

LITTLE ROCK HEMATOLOGY-)

ONCOLOGY ASSOCIATES; HIGHLANDS)

ONCOLOGY GROUP, P.A.;)

[Connecticut])

MEDICAL ONCOLOGY AND)

HEMATOLOGY, P.C.; ONCOLOGY)

ASSOCIATES, P.C., HEMATOLOGY)

ONCOLOGY, P.C.; EASTERN)

UNDER SEAL

FIRST AMENDED COMPLAINT

Civil Action No. CV-08-3096

(Johnson, J.)

(Levy, M.J.)

CONNECTICUT HEMATOLOGY AND)
ONCOLOGY;)
)
[Georgia])
GEORGIA CANCER SPECIALISTS;)
NORTHWEST GEORGIA ONCOLOGY)
CENTERS; AUGUSTA ONCOLOGY)
ASSOCIATES; CENTRAL GEORGIA)
CANCER CARE; NORTHEAST GEORGIA)
CANCER CARE;)
)
[Iowa])
MEDICAL ONCOLOGY AND)
HEMATOLOGY ASSOCIATES;)
SIOUXLAND HEMATOLOGY AND)
ONCOLOGY;)
)
[Kansas])
CANCER CENTER OF KANSAS;)
HUTCHINSON CLINIC;)
)
[Kentucky])
COMMONWEALTH CANCER CENTER;)
)
[Maine])
MAINE CENTER FOR CANCER)
MEDICINE;)
)
[Maryland])
ONCOLOGY-HEMATOLOGY)
ASSOCIATES, P.C.; CHESAPEAKE)
ONCOLOGY HEMATOLOGY)
ASSOCIATES; MARYLAND)
HEMATOLOGY AND ONCOLOGY;)
CENTER FOR CANCER AND BLOOD)
DISORDERS; FREDERICK)
ONCOLOGY/HEMATOLOGY)
ASSOCIATES;)
)
[Minnesota])
MAYO CLINIC; NORTH MEMORIAL)
HEALTH CARE; PARK NICOLLET)
CLINIC; FAIRVIEW SOUTHDAL)
E BREAST CENTER;)
)
)

[Mississippi])
JACKSON ONCOLOGY ASSOCIATES,)
PLLC;)
)
[Missouri])
WASHINGTON UNIVERSITY; ST. LOUIS)
CANCER CENTER; MERCY CANCER)
CARE;)
)
[Montana])
HEMATOLOGY ONCOLOGY CENTERS)
OF THE NORTHERN ROCKIES;)
)
[Nebraska])
HEMATOLOGY ONCOLOGY)
CONSULTANTS, P.C.;)
)
[New Jersey])
MEDICAL ONCOLOGY-HEMATOLOGY)
SPECIALISTS; HEMATOLOGY-)
ONCOLOGY ASSOCIATES OF)
NORTHERN NEW JERSEY;)
HEMATOLOGY-ONCOLOGY OF)
CENTRAL NEW JERSEY; COOPER)
CANCER INSTITUTE; SOUTHERN)
ONCOLOGY-HEMATOLOGY)
ASSOCIATES, P.A.; MEDICAL)
DIAGNOSTIC ASSOCIATES; KENNETH)
D. HAHUM, M.D.; HUNTERDON)
HEMATOLOGY ONCOLOGY GROUP;)
)
[North Carolina])
PIEDMONT HEMATOLOGY ONCOLOGY)
ASSOCIATES; SOUTHEASTERN)
MEDICAL ONCOLOGY CENTER;)
GASTON HEMATOLOGY AND)
ONCOLOGY ASSOCIATES; HANOVER)
MEDICAL SPECIALISTS, P.A.;)
NORTHWESTER CAROLINA)
ONCOLOGY AND HEMATOLOGY;)
CAROLINAS PHYSICIANS NETWORK)
d/b/a CAROLINAS HEMATOLOGY)
ONCOLOGY ASSOCIATES; NORTHEAST)
ONCOLOGY ASSOCIATES;)
)
)

[Ohio])
ONCOLOGY HEMATOLOGY CARE, INC.;)
HEMATOLOGY ONCOLOGY OF)
DAYTON; MID-OHIO ONCOLOGY)
HEMATOLOGY; CINCINNATI)
HEMATOLOGY ONCOLOGY, INC.;)
HEMATOLOGY ONCOLOGY CENTER,)
INC.; BLOOD AND CANCER CENTER;)
COLUMBUS ONCOLOGY ASSOCIATES,)
INC.;)

[Oklahoma])
OKLAHOMA ONCOLOGY AND)
HEMATOLOGY ASSOCIATES, INC. d/b/a)
CANCER CARE ASSOCIATES;)
OKLAHOMA ONCOLOGY)
INCORPORATED;)

[Oregon])
PACIFIC ONCOLOGY, PC;)
HEMATOLOGY ONCOLOGY)
ASSOCIATES, P.C.;)

[Pennsylvania])
MEDICAL CENTER CLINIC;)
CONSULTANTS IN MEDICAL)
ONCOLOGY AND HEMATOLOGY;)
ABINGTON HEMATOLOGY-ONCOLOGY)
ASSOCIATES, INC.; CANCER CARE)
ASSOCIATES OF YORK;)
PENNSYLVANIA ONCOLOGY)
HEMATOLOGY ASSOCIATES; BRYN)
MAWR MEDICAL SPECIALISTS;)
GREATER PHILADELPHIA CANCER)
AND HEMATOLOGY SPECIALISTS;)
HEMATOLOGY ONCOLOGY)
ASSOCIATES OF NORTHEAST)
PENNSYLVANIA; CHESTER COUNTY)
HEMATOLOGY AND ONCOLOGY)
SERVICES; BUX-MON ONCOLOGY-)
HEMATOLOGY MEDICAL ASSOCIATES;)
REGIONAL CANCER CENTER;)
REGIONAL HEMATOLOGY ONCOLOGY)
ASSOCIATES; CANTOR, BIERMANN,)
FELLIN AND ASSOCIATES;)
ASSOCIATES IN HEMATOLOGY)

ONCOLOGY, P.C.; JEFFERSON)
HEMATOLOGY/MEDICAL ONCOLOGY)
ASSOCIATES;)

[South Carolina])
SOUTH CAROLINA ONCOLOGY)
ASSOCIATES, P.A.; COASTAL CANCER)
CENTER; PALMETTO HEMATOLOGY)
ONCOLOGY, P.C.;)

[Utah])
UTAH CANCER SPECIALISTS; CENTRAL)
UTAH CLINIC;)

[Virginia])
VIRGINIA CANCER INSTITUTE;)
HEMATOLOGY ONCOLOGY PATIENT)
ENTERPRISES (HOPE); LYNCHBURG)
HEMATOLOGY ONCOLOGY CLINIC;)
PENINSULA CANCER INSTITUTE;)

[Washington])
WESTERN WASHINGTON ONCOLOGY;)
NORTHWEST MEDICAL SPECIALTY;)
RANIER ONCOLOGY PROFESSIONAL)
SERVICES;)

[Wisconsin])
ONCOLOGY ALLIANCE; MARSHFIELD)
CLINIC; FOX VALLEY HEMATOLOGY)
AND ONCOLOGY; AUROA SHEBOYGAN)
CLINIC; and GREEN BAY ONCOLOGY)
LIMITED,)

Defendants;)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
STATE OF CALIFORNIA,)
ex rel. DON HANKS,)

Plaintiffs,)

v.)

AMGEN, INC.; REDWOOD REGIONAL)
ONCOLOGY; TOWER HEMATOLOGY)
ONCOLOGY MEDICAL GROUP; CANCER)
ASSOCIATES OF FRESNO MEDICAL)
GROUP, INC.; PACIFIC ONCOLOGY)
HEMATOLOGY ASSOCIATES, INC.;)
REGENTS OF THE UNIVERSITY OF)
CALIFORNIA; PACIFIC SHORES)
MEDICAL GROUP, INC.; SANTA)
BARBARA HEMATOLOGY-ONCOLOGY)
MEDICAL GROUP, INC.; THE BREAST)
CARE CENTER – ONCOLOGY CENTER;)
EAST BAY MEDICAL ONCOLOGY)
HEMATOLOGY ASSOCIATES; ORANGE)
COAST ONCOLOGY; CANCER CARE)
ASSOCIATES MEDICAL GROUP, INC.;)
VENTURA COUNTY HEMATOLOGY-)
ONCOLOGY SPECIALISTS, INC.;)
VALLEY MEDICAL ONCOLOGY)
CONSULTANTS; WILSHIRE ONCOLOGY)
MEDICAL GROUP; and NORTH COUNTY)
ONCOLOGY,)

Defendants;)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
STATE OF DELAWARE,)
ex rel. DON HANKS,)

Plaintiffs,)

v.)

AMGEN, INC.; MEDICAL ONCOLOGY)
HEMATOLOGY CONSULTANTS, P.A.,)

Defendant;)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
STATE OF FLORIDA,)
ex rel. DON HANKS,)

Plaintiffs,)
)
v.)
)
AMGEN, INC.; FLORIDA CANCER)
SPECIALISTS; GULFCOAST ONCOLOGY)
ASSOCIATES; INTEGRATED)
COMMUNITY ONCOLOGY NETWORK,)
LLC.; ONCOLOGY HEMATOLOGY)
RADIATION CARE, LLC d/b/a ADVANCE)
MEDICAL SPECIALISTS; PALM BEACH)
CANCER INSTITUTE; HEMATOLOGY)
AND ONCOLOGY CONSULTANTS;)
FLORIDA HEMATOLOGY ONCOLOGY)
SPECIALISTS; HEMATOLOGY AND)
ONCOLOGY ASSOCIATES OF THE)
TREASURE COAST; MID FLORIDA)
HEMATOLOGY AND ONCOLOGY)
CENTERS; PASCO HERNANDO)
ONCOLOGY ASSOCIATES, P.A.;)
REGIONAL CONSULTANTS IN)
HEMATOLOGY AND ONCOLOGY; BOCA)
RATON COMMUNITY HOSPITAL, INC.;)
CANCER INSTITUTE OF FLORIDA, P.A.;)
and SOUTH FLORIDA ONCOLOGY)
HEMATOLOGY,)

Defendants;)
)
)
)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
STATE OF HAWAII,)
ex rel. DON HANKS,)
)

Plaintiffs,)
)
)
)

v.)
)
)
)

AMGEN, INC.; ONCARE HAWAII, INC.)
)
)
)

Defendants;)
)
)
)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
)
)

STATE OF ILLINOIS,)
ex rel. DON HANKS,)

Plaintiffs,)

v.)

AMGEN, INC.; ONCOLOGY-)
HEMATOLOGY ASSOCIATES OF)
CENTRAL ILLINOIS; PRAIRIE)
ONCOLOGY MANAGEMENT SERVICES,)
LLC; INTERMED ONCOLOGY;)
NORTHWEST ONCOLOGY AND)
HEMATOLOGY; NORTHWESTERN)
MEDICAL FACULTY FOUNDATION;)
JOLIET ONCOLOGY HEMATOLOGY)
ASSOCIATES, INC.; and FOX VALLEY)
HEMATOLOGY AND ONCOLOGY, LTD.,)

Defendants;)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
STATE OF INDIANA,)
ex rel. DON HANKS,)

Plaintiffs,)

v.)

AMGEN, INC.; MICHIANA)
HEMATOLOGY-ONCOLOGY, INC.;)
HEMATOLOGY-ONCOLOGY OF)
INDIANA, P.C.; ONCOLOGY)
HEMATOLOGY ASSOCIATES OF SOUTH)
WEST INDIANA; CANCER HEALTH)
TREATMENT CENTERS, P.C.; FORT)
WAYNE MEDICAL ONCOLOGY AND)
HEMATOLOGY; and AMERICAN)
HEALTH NETWORK HEMATOLOGY)
ASSOCIATES,)

Defendants;)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
STATE OF LOUISIANA,)
ex rel. DON HANKS,)

Plaintiffs,)

v.)

AMGEN, INC.; ONCOLOGY RX;)
LOUISIANA ONCOLOGY ASSOCIATES;)
LOUISIANA HEMATOLOGY ONCOLOGY)
ASSOCIATES;)

Defendants;)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
STATE OF MASSACHUSETTS,)
ex rel. DON HANKS,)

Plaintiffs,)

v.)

AMGEN, INC.; BERKSHIRE)
HEMATOLOGY ONCOLOGY, P.C.;)

Defendants;)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
STATE OF MICHIGAN,)
ex rel. DON HANKS,)

Plaintiffs,)

v.)

AMGEN, INC.; CANCER AND)
HEMATOLOGY CENTERS OF WESTERN)
MICHIGAN; CANCER CARE)
ASSOCIATES; THE OAKLAND MEDICAL)

GROUP; GREAT LAKES CANCER)
MANAGEMENT SPECIALISTS; SINGH)
AND ARORA ONCOLOGY)
HEMATOLOGY, P.C.; GENESSEE)
CANCER AND BLOOD DISEASE)
TREATMENT CENTER, INC.;)
ONCOLOGY CARE ASSOCIATES; WEST)
MICHIGAN CANCER CENTER;)
MICHIGAN HEMATOLOGY ONCOLOGY,)
P.C.; HEMATOLOGY ONCOLOGY)
CONSULTANTS; and NEWLAND)
MEDICAL ASSOCIATES,)

Defendants;)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
STATE OF NEW MEXICO,)
ex rel. DON HANKS,)

Plaintiffs,)

v.)

AMGEN, INC.; NEW MEXICO)
ONCOLOGY HEMATOLOGY)
CONSULTANTS,)

Defendants;)

UNITED STATES OF AMERICA,)
ex rel. DON HANKS, and)
STATE OF NEW YORK,)
ex rel. DON HANKS,)

Plaintiffs,)

v.)

AMGEN, INC.; NORTH SHORE)
HEMATOLOGY ONCOLOGY)
ASSOCIATES, P.C.; BROOME)
ONCOLOGY; HEMATOLOGY)
ONCOLOGY ASSOCIATES OF CENTRAL)

NEW YORK, P.C.; HUDSON VALLEY
HEMATOLOGY ONCOLOGY; QUEENS
LONG ISLAND MEDICAL GROUP, P.C.;
PARK SLOPE MEDICINE; BUFFALO
MEDICAL GROUP; and CENTURY
MEDICAL ASSOCIATES,

Defendants;

UNITED STATES OF AMERICA,
ex rel. DON HANKS, and
STATE OF NEVADA;
ex rel. DON HANKS,

Plaintiffs,

v.

AMGEN, INC.; NEVADA CANCER
CENTER; CANCER AND BLOOD
SPECIALISTS OF NEVADA,

Defendants;

UNITED STATES OF AMERICA,
ex rel. DON HANKS, and
STATE OF TENNESSEE,
ex rel. DON HANKS,

Plaintiffs,

v.

AMGEN, INC.; TENNESSEE ONCOLOGY,
PLLC; THE WEST CLINIC; TENNESSEE
CANCER SPECIALISTS; BOSTON
BASKIN CANCER GROUP; KINGSFORD
HEMATOLOGY-ONCOLOGY
ASSOCIATES; THOMPSON ONCOLOGY
GROUP; CHATTANOOGA ONCOLOGY
HEMATOLOGY ASSOCIATES; and EAST
TENNESSEE HEMATOLOGY
ONCOLOGY ASSOCIATES,

Defendants;)

UNITED STATES OF AMERICA,
ex rel. DON HANKS, and
STATE OF TEXAS,

Plaintiffs,

v.

AMGEN, INC.; SOUTH TEXAS
ONCOLOGY AND HEMATOLOGY
ASSOCIATES; HOUSTON CANCER
CLINIC; ONCOLOGY CONSULTANTS;
TYLER HEMATOLOGY ONCOLOGY;
METROPLEX HEMATOLOGY/
ONCOLOGY ASSOCIATES d/b/a
ARLINGTON CANCER CENTER;
SOUTHEAST TEXAS ONCOLOGY
PARTNERS; NORTHWEST CANCER
CENTER; and ROHIT KAPPOR, M.D., P.A.,

Defendants.

I. INTRODUCTION.

1. This is an action brought by Relator, Don Hanks, on behalf of the United States of America, to recover damages and civil penalties against Defendants, Amgen Inc. (“Amgen”) and doctors, medical practices and hospitals listed above and named herein (“Defendant Medical Providers”) pursuant to the Federal Civil False Claims Act. Title 31 U.S.C. §§ 3729 et seq., (“FCA”).

2. Defendant Amgen has defrauded government healthcare programs through fraudulent activities including but not limited to: falsely representing the prices of its drugs; engaging in improper sales and marketing schemes such as promoting off-label sales and “marketing the spread;” and paying illegal kickbacks to physicians.

3. The Defendant Medical Providers knowingly have profited from Amgen's fraudulent activities by purchasing and administering Amgen's drugs in exchange for kickbacks from Amgen and by submitting false and fraudulent claims for reimbursement to government healthcare programs. Defendant Medical Providers have defrauded the United States of America – and other third-party payers – most glaringly by receiving these kickbacks from Amgen in the form of rebate checks for purchases of Amgen products. Defendant Medical Providers never returned or reimbursed third-party payers including the Medicare and Medicaid programs of the United States of America for the rebates received from Amgen. Defendant Medical Providers were reimbursed as to their use of Amgen products in a medical setting by third-party payers including the Medicare and Medicaid programs. Defendant Medical Providers were then provided rebates of as much as 60 percent of the purchase price by Amgen through its rebates to these initial purchasers of Amgen products. As a result of the rebates, Defendant Medical Providers each were reimbursed by third party payers for Aranesp, Epogen, Neulasta, and/or Neupogen at a rate far higher than their actual costs for purchasing these drugs. Medicaid and Medicare were never reimbursed by Defendant Medical Providers as a result of this overpayment. Indeed, Medicaid and Medicare were never even alerted to the fact that their payments to Defendant Medical Providers for the purchase of Amgen products was based upon a price that was fraudulent, given these kickbacks in the form of rebates.

4. The FCA provides that any person who submits a false claim to the government is liable for a civil penalty of between \$5,500 and \$11,000 for each such claim, and three times the amount of the damages sustained by the government. The Act permits persons having information regarding a false or fraudulent claim against the government to bring an action on behalf of the government and to share in any recovery. Pursuant to 31 U.S.C. § 3730(b)(2), this

complaint must be filed *in camera* and under seal, without service on the defendant. The complaint remains under seal while the government conducts an investigation of the allegations in the complaint and determines whether to join the action.

II. JURISDICTION AND VENUE.

5. This Court has jurisdiction over the subject matter of this action pursuant to Title 31 U.S.C. §§ 3730(b) and 3732(a), which specifically confer jurisdiction on this Court for actions brought pursuant to The False Claims Act.

6. This Court has personal jurisdiction over Defendants pursuant to 31 U.S.C. § 3732(a), which authorizes nationwide service of process. Amgen and at least one of the Defendant Medical Providers can be found in, resides in, or have transacted business in the Eastern District of New York and in the State of New York.

7. Venue is proper in this District pursuant to 31 U.S.C. § 3732(a) because Defendants can be found in, resides in, or has transacted business in the Eastern District of New York, and at least some of the alleged acts have occurred in this District.

8. No allegation set forth in this Complaint is based on a public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a congressional, administrative, or General Accounting Office report, hearing audit, or investigation, or from the news media.

III. THE PARTIES.

A. Plaintiff/Relator Don Hanks.

9. Relator, Don Hanks, is a resident of Ponte Vedra Beach, St. Johns County, Florida and was employed as a sales representative by Amgen for nineteen years. Amgen terminated Mr. Hanks' employment in May of 2007.

B. Amgen, Inc.

10. Defendant Amgen, headquartered in Thousand Oaks, Ventura County, California, is a large company in the biotechnology industry. Amgen's products are used for supportive cancer care as well as for the treatment of anemia, rheumatoid arthritis and other autoimmune diseases. In 2006, Amgen reported revenues of \$14.3 billion.

11. In 2005, the total worldwide market for Amgen's erythropoiesis-stimulating agents was \$10 billion with Amgen revenues – profits – from these drugs at greater than 60% of those sales. In 2006, 2007, 2008, 2009 and 2010 Amgen had cumulative reported revenues greater than \$45 billion from erythropoiesis-stimulating agents in the United States alone.

12. The majority of Amgen's revenues are from the "blockbuster" products Aranesp, Epogen, Neupogen and Neulasta. Amgen's domestic revenues in these products by year are:

2002 – Aranesp/Epogen \$2.68 billion, Neulasta/Neupogen \$1.84 billion, or a total of \$5.52 billion;

2003 – Aranesp/Epogen \$3.979 billion, Neulasta/Neupogen \$2.522 billion, or a total of \$6.501 billion;

2004 – Aranesp/Epogen \$5.074 billion, Neulasta/Neupogen \$2.915 billion, or a total of \$7.989 billion;

2005 – Aranesp/Epogen \$5.608 billion, Neulasta/Neupogen \$3.504 billion, or a total of \$9.112 billion;

2006 – Aranesp/Epogen \$5.301 billion, Neulasta/Neupogen \$3.100 billion, or a total of \$8.401 billion;

2007 – Aranesp/Epogen \$4.643 billion, Neulasta/Neupogen \$3.200 billion, or a total of \$7.843 billion.

13. With the approval of Aranesp in 2001, Amgen, began a process of seeking to persuade medical providers to use Aranesp. In particular, Amgen sought to induce medical providers to replace Procrit with Aranesp. Amgen's marketing tactics, in short, began to amount to a conspiracy with medical providers to fraudulently obtain greater reimbursement from third-party payers including Medicaid and Medicare. These fraudulent payments were made by way of discounts, rebates, and co-pay payments that induced doctors to prescribe Amgen products, but to neither inform nor reimburse Medicaid or Medicare of these additional payments received.

C. Untied States Oncology.

14. United States Oncology Specialty, LP ("USOS") is a Delaware Limited Liability Partnership based in Fort Worth, Texas. USOS is a specialty distribution center service of US Oncology, Inc. In 2005, US Oncology, Inc. launched USOS, according to a U.S. Oncology press release, to "facilitate the seamless flow of oncology pharmaceuticals directly from the pharmaceutical manufacturers to its nationwide network of practices."

15. USOS purchases vast quantities of ESAs in addition to Neupogen and Neulasta. In 2006, USOS had purchases of Amgen products peaked in excess of approximately \$1 billion per year.

16. USOS served as a Group Purchasing Organizing (“GPO”) for the approximately 1,000 doctors affiliated with U.S. Oncology, Inc. GPO served to pool the purchasing power of their member doctors and medical providers and obtained larger rebates from Amgen than were otherwise offered to individual medical providers. These contracts were often kept confidential, such that the details were not reported to CMS/Medicare. As a result, the pricing for Amgen products to these GPO were not factored into AWP or ASP for Amgen products in the reimbursement calculations of Medicare.

17. USOS supplied the affected products to the following United States Oncology, Inc. medical providers for the Central Region: Arch Medical Services, Inc.; Arkansas Oncology Associates, P.A.; Cancer Care Network of South Texas, P.A.; Central Indiana Cancer Centers Dayton Oncology & Hematology, P.A.; Hematology Oncology Associates of Illinois, L.L.C. Kansas City Cancer Centers; Minnesota Oncology Hematology, P.A.; Missouri Cancer Associates; and Northwest Medical Specialists, P.C.

18. USOS supplied the affected products to the following United States Oncology, Inc. medical providers for the East Region: Asheville Hematology & Oncology Associates, P.A.; Cancer Centers of Florida, P.A.; Cancer Centers of North Carolina; Cancer Centers of The Carolinas; Durham Regional Hematology Oncology; Fairfax-Northern Virginia Hematology-Oncology, P.C.; Flavio Kruter, M.D., P.A.; Florida Cancer Institute, P.A.; Interlakes Oncology Hematology, P.C.; Maryland Oncology Hematology, P.A.; New York Oncology Hematology, P.C.; Northwestern Connecticut Onc/Hema. Assoc.; Ocala Oncology Center, P.L.; Oncology &

Hematology Associates Of Southwest Virginia, Inc.; South Florida Oncology and Hematology Consultants; Venango Oncology Hematology Association; and Virginia Oncology Associates.

19. USOS supplied the affected products to the following United States Oncology, Inc. medical providers for the Southwest Region: Arizona Oncology Associates, P.C.; Cancer Care Associates; Rocky Mountain Cancer Centers, LLP; and Texas Oncology, P.A.

20. USOS supplied the affected products to the following United States Oncology, Inc. medical providers for the West Region: Cancer Care Northwest, P.S.; Comprehensive Cancer Centers of Nevada; Northwest Cancer Specialists, P.C.; Oncology Associates of Oregon, P.C.; and Washington Cancer Centers, P.C.

21. USOS supplied the affected products to the following United States Oncology, Inc. medical providers for the "SL" Region: Advanced Care & Treatment Medical Group, SC; Alice C. Reier, M.D.; Alpine Hematology - Oncology, P.C.; Ashland-Bellfonte Cancer Center Associates In Oncology-Hematology, P.C.; Beckley Oncology Associates, Inc.; Buenaventura Medical Group, Inc.; Cancer Associates Of Monterey Peninsula; Cancer Treatment Center Of Oklahoma; Central Texas Oncology Associates, P.A.; Crossville Medical Oncology; Edward Kaplan, MD & Associates; Facey Medical Foundation; Great Falls Clinic; Gynecologic Oncology Associates, P.A.; Hannibal Clinic Operations, LLC; Hematology-Oncology Consultants, P.A.; Highlands Cancer Center; Iowa Cancer Care; Larry G. Strieff, M.D.; Little Rock Hematology Oncology Associates, P.A.; Mankato Clinic, Ltd.; Medical Oncology Associates, P.S.; Melbourne Internal Medicine Associates; Midlands Regional Cancer Center, PC; Midwest Center For Hematology/Oncology, SC; New Mexico Cancer Care Associates; Oncology Hematology West, P.C.; Oncology-Hematology Specialists, PA; Palo Alto Medical Foundation; Piedmont Hematology-Oncology Associates, PLLC; Pronger Smith Medical Care

Sacramento Center for Hematology & Medical Oncology, Inc.; Springfield Clinic, LLP; The Medical Associates Clinic, P.C.; The Midsouth Cancer Center; Tri-State Medical Center; Valley Internal Medicine, Inc. P.S.; WVVA Health Care Alliance, P.C.;

22. USOS received rebates based upon its own separate “one off” contract with Amgen that included additional “kickbacks” for certain required market share milestones by the GPO in Amgen products. USOS also received larger kickbacks in the form of rebates based upon its purchases of Amgen products.

D. Defendant Medical Providers by Individual States of Practice.

Alabama Medical Providers

23. Defendant Montgomery Cancer Center is located at 4145 Carmichael Road, Montgomery, AL 36106. Defendant Montgomery Cancer Center had purchases of Amgen products amounting to approximately \$6,319,824 in the Fourth Quarter, 2006 – receiving a rebate from Defendant Amgen amounting to approximately fifty percent of all purchases as a Platinum Amgen customer.

24. Defendant Oncology Specialties, P.C. is located at 3601 CCI Drive, Huntsville, AL 35805. Defendant Oncology Specialties, P.C. had purchases of Amgen products amounting to approximately \$6,104,312 in the Fourth Quarter, 2006 – receiving a rebate from Defendant Amgen amounting to approximately fifty percent of all purchases as a Platinum Amgen customer.

25. Defendant Birmingham Hematology - Oncology Associates is located at 810 St. Vincents Drive, Birmingham, AL 35205. Defendant Birmingham Hematology had purchases of Amgen products amounting to approximately \$4,166,193 in the Fourth Quarter, 2006 – receiving

a rebate from Defendant Amgen amounting to approximately fifty percent of all purchases as a Platinum Amgen customer.

26. Defendant Southeast Cancer Network is located at 1410 McFarland Boulevard, North, Tuscaloosa, AL 35406. Defendant Southeast Cancer Network had purchases of approximately \$3,777,946 in the Fourth Quarter, 2006 – receiving a rebate from Defendant Amgen amounting to approximately fifty percent of all purchases as a Platinum Amgen customer.

27. Defendant the Kirklin Oncology Clinic is located at 2000 6th Avenue South, Birmingham, AL 35233. Defendant the Kirklin Oncology Clinic purchased approximately \$1,890,382 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

28. Defendant Radiation Therapy Oncology, P.C. is located at 6701 Airport Ste T6, Mobile, AL 36608. Defendant Radiation Therapy Oncology, P.C. purchased approximately \$1,777,211 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Arkansas Medical Providers

29. Defendant Little Rock Hematology-Oncology Associates is located at 9500 Lile Drive, Little Rock, AR 72205. Defendant Little Rock Hematology-Oncology Associates purchased approximately \$3,017,042 of Amgen products in the Fourth Quarter of 2006 –

receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

30. Defendant Highlands Oncology Group, P.A. is located at 3232 North Hills Boulevard, Fayetteville, AR 72703. Defendant Highlands Oncology Group, P.A. purchased approximately \$1,851,030 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Arizona Medical Providers

31. Defendant Palo Verde Hematology-Oncology, Inc. is located at 5601 West Eugie Avenue, Suite 106, Glendale, AZ 85304. Defendant Palo Verde Hematology-Oncology, Inc. bought approximately \$5,421,998 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

32. Defendant Ironwood Cancer and Research Centers is located at 695 South Dobson Road, Chandler, AZ 85224. Defendant Ironwood Cancer and Research Centers purchased approximately \$3,928,532 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

33. Defendant Desert Oncology is located at 1432 South Dobson Road, Suite 106, Mesa, AZ 85202. Defendant Desert Oncology purchased approximately \$2,317,960 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

34. Defendant Arizona Center for Hematology and Oncology, P.C. is located at 5750 West Thunderbird Road, Suite C-300, Glendale, AZ 85306. Defendant Arizona Center for Hematology and Oncology, P.C. bought approximately \$2,278,599 in Amgen products for the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

35. Defendant Southwest Hematology Oncology, P.C. is located at 11209 North Tatum Boulevard, Suite 260, Phoenix, AZ 85028. Defendant Southwest Hematology Oncology, P.C. purchased approximately \$2,230,130 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

California Medical Providers

36. Defendant Redwood Regional Oncology is located at 121 Sotoyome Street, Suites 101 and 203, Santa Rosa, CA 95405. Defendant Redwood Regional Oncology bought approximately \$5,281,904 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

37. Defendant Tower Hematology Oncology Medical Group is located at 9090 Wilshire Boulevard, Suite 200, Beverly Hills, CA 90211. Defendant Tower Hematology Oncology Medical Group purchased approximately \$3,346,815 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

38. Defendant Cancer Care Associates of Fresno Medical Group, Inc. is located at 1791 East Fir Avenue, Fresno, CA 93720. Defendant Cancer Care Associates bought approximately \$3,099,500 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

39. Defendant Pacific Oncology Hematology Associates, Inc. - La Jolla is located at 9850 Genesee Avenue, Suite 830, La Jolla, CA 92037. Defendant Pacific Oncology Hematology Associates, Inc. purchased approximately \$3,007,682 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

40. Defendant Regents of University of California is located at 10833 Le Conte Ave. #16-135, Los Angeles, CA 90095. Defendant Regents of the University of California bought approximately \$2,676,496 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

41. Defendant Pacific Shores Medical Group, Inc. is located at 1043 Elm Avenue, Suite 104, Long Beach, CA 90813. Defendant Pacific Shores Medical Group bought about \$2,120,776 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

42. Defendant Santa Barbara Hematology-Oncology Medical Group, Inc. is located at 540 West Pueblo Street, Santa Barbara, CA 93105. Defendant Santa Barbara Hematology-Oncology Medical Group, Inc. bought approximately \$1,795,297 worth of Amgen products in

the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

43. Defendant The Breast Care Center - Oncology Center is located at 230 South Main Street, Suite 100, Orange, CA 92868. Defendant The Breast Care Center - Oncology Center purchased about \$1,536,055 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

44. Defendant East Bay Medical Oncology Hematology Associates is located at 3220 Lone Tree Way, Suite 100, Antioch, CA 94509. Defendant East Bay Medical Oncology Hematology Associated bought about \$1,367,565 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

45. Defendant Orange Coast Oncology is located at 4000 West Pacific Coast Highway, Suite 3e, Newport Beach, CA 92663. Defendant Orange Coast Oncology purchased around \$2,282,887 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

46. Defendant Cancer Care Associates Medical Group, Inc. is located at 514 North Prospect Avenue, Fourth Floor, Redondo Beach, CA 90277. Defendant Cancer Care Associates Medical Group, Inc. bought approximately \$1,976,722 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

47. Defendant Ventura County Hematology-Oncology Specialists, Inc. is located at 1700 North Rose Avenue, Suite 320, Oxnard, CA 93030. Defendant Ventura County Hematology-Oncology Specialists, Inc. purchased around \$1,665,963 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

48. Defendant Valley Medical Oncology Consultants is located at 20055 Lake Chabot Road, Suite 130, Lake Chabot Building, Castro Valley, CA 94546. Defendant Valley Medical Oncology Consultants purchased approximately \$1,584,378 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

49. Defendant Wilshire Oncology Medical Group, Inc. is located at 1910 Royalty Drive, Pomona, CA 91767. Defendant Wilshire Oncology Medical Group bought approximately \$1,545,668 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

50. Defendant North County Oncology is located at 3617 Vista Way, Oceanside, CA 92056. Defendant North County Oncology purchased about \$1,544,415 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Connecticut Medical Providers

51. Defendant Medical Oncology and Hematology, P.C. is located at 1450 Chapel Street, Suite A, New Haven, CT 06511. Defendant Medical Oncology and Hematology, P.C.

bought approximately \$1,623,004 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

52. Defendant Oncology Associates, P.C. is located at 85 Retreat Avenue, Hartford, CT, 06106. Defendant Oncology Associates, P.C. purchased about \$1,762,110 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

53. Defendant Hematology Oncology P.C. is located at 34 Shelburne Road, Stamford, CT 06902. Defendant Hematology Oncology, P.C. bought about \$1,618,712 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

54. Defendant Eastern Connecticut Hematology and Oncology is located at 330 Washington Street, Suite 220, Norwich, CT 06360. Defendant Eastern Connecticut Hematology and Oncology purchased approximately \$1,570,891 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Delaware Medical Providers

55. Defendant Medical Oncology Hematology Consultants, P.A. is located at 4701 Ogletown-Stanton Road, Suite 2200, Helen F. Graham Cancer Center, Newark, DE, 19713. Defendant Medical Oncology Hematology Associates, P.A. purchased approximately \$1,534,287 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Florida Medical Providers

56. Defendant Florida Cancer Specialists, headquartered in Fort Myers, Florida, is the largest privately-owned Oncology/Hematology practice in Florida, with 16 offices that serve the Gulf Coast area from Brandenton to Naples. Defendant Florida Cancer Specialists has a business address of 3840 Broadway, Fort Myers, FL 33901.

57. Defendant Florida Cancer Specialists purchased Amgen products in the following amounts:

2004 – \$12.8 million

2005 – \$13.5 million

2006 – \$20.3 million

2007 – \$39.2 million

58. Since the “profit” on Neupogen in Medicare patients was greater than Neulasta off contract FCS only used Neupogen in their Medicare patients and used Neulasta in their private pay and indemnity plan patients.

59. As a Platinum Amgen customer, Defendant Florida Cancer Specialists received a rebate or discount from Defendant Amgen amounting to approximately fifty percent of all purchases made from approximately 2004 through 2007.

60. Defendant Gulfcoast Oncology Associates is located in St. Petersburg, Pinellas County, Florida and specializes in hematology and medical oncology.

61. Defendant Gulfcoast Oncology Associates made Amgen product purchases for the following years of:

2002 – \$ 3.2 million

2003 – \$ 4.0 million

2004 – \$13.6 million

2005 – \$21.1 million

2006 – \$30.1 million

2007 – \$29.3 million

62. Defendant Gulf Coast Oncology Associates has a business address of 1201 5th Avenue North, Suite 505, St. Petersburg, FL 33705. As an Amgen Platinum customer, Defendant Gulf Coast Oncology Associates received a rebate or discount from Defendant Amgen amounting to approximately fifty percent of all purchases made from approximately 2004 through 2007.

63. Defendant Integrated Community Oncology Network, LLC (“ICON”) through its division Florida Oncology Associates provides specialized care for patients with cancer and/or hematological disorders in Northeast Florida. ICON has nine cancer centers in Duval, Clay, St. Johns and Putnam counties. ICON has a business address of 9143 Philips Highway, Suite 560, Jacksonville, FL 32256.

64. Defendant ICON made Amgen product purchases as follows:

2002 – \$2.3 million

2003 – \$13.3 million

2004 – \$14.8 million

2005 – \$15.4 million

2006 – \$32.0 million

2007 – \$27.0 million

65. ICON had a GPO contract and a special “Large Physician Practice” (“LPP”) contract with Amgen. ICON, Florida Cancer Specialists, and Gulf Oncology Associates are elite

members of the ION (“International Oncology Network”) and received even greater discounts for these affiliations.

66. Defendant Oncology Hematology Radiation Care, LLC d/b/a Advance Medical Specialist is located at 8940 North Kendall Drive, #300 East, Miami, FL 33176. Defendant Oncology Hematology Radiation Care, LLC d/b/a Advance Medical Specialist purchased approximately \$6,127,664 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

67. Defendant Palm Beach Cancer Institute is located at 1309 North Flagler Drive, West Palm Beach, FL 33401. Defendant Palm Beach Cancer Institute bought about \$3,683,036 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

68. Defendant Hematology and Oncology Consultants is located at 2501 North Orange Avenue, Suite 381, Orlando, FL, 32804. Defendant Hematology and Oncology Consultants purchased about \$3,166,713 of Amgen’s products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

69. Defendant Florida Hematology Oncology Specialists is located at 2501 North Orange Avenue, Suite 201, Orlando, FL 32804. Defendant Florida Hematology Oncology Specialists bought about \$2,850,699 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

70. Defendant Hematology and Oncology Associates of the Treasure Coast is located at 1871 S.E. Tiffany Ave, Suite 100, Port St. Lucie, FL, 34952. Defendant Hematology and Oncology Associates of the Treasure Coast purchased approximately \$2,307,809 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

71. Defendant Mid Florida Hematology and Oncology Centers, P.A. is located at 2100 West 1st Street, Sanford, FL 32771. Defendant Mid Florida Hematology and Oncology Centers bought approximately \$2,074,198 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

72. Defendant Pasco Hernando Oncology Associates, P.A. is situated at 14529 Cortez Blvd, Brooksville, FL 34613. Defendant Pasco Hernando Oncology Associates, P.A. bought approximately \$1,766,348 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

73. Defendant Regional Consultants in Hematology and Oncology is located at 1235 San Marco Boulevard, Suite 3, Jacksonville, FL 32207. Defendant Regional Consultants in Hematology and Oncology purchased about \$1,494,671 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

74. Defendant Boca Raton Community Hospital, Inc. - Boca Raton is located at 1001 Northwest 13th Street, Suite 201, Boca Raton, FL 33486. Defendant Boca Raton Community Hospital Inc. - Boca Raton bought about \$1,211,968 in Amgen products in the Fourth Quarter of

2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

75. Defendant Cancer Institute of Florida, P.A. is located at 894 East Altamonte Drive, Altamonte Springs, FL 32701. Defendant Cancer Institute of Florida, P.A. purchased approximately \$1,884,415 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

76. Defendant South Florida Oncology Hematology is situated at 603 North Flamingo Road, Suite 151, Pembroke Pines, FL 33028. Defendant South Florida Oncology Hematology bought approximately \$1,742,102 of Amgen's products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Georgia Medical Providers

77. Defendant Georgia Cancer Specialists Administrative Annex is located at 1872 Montreal Road, Tucker, GA 30084. Defendant Georgia Cancer Specialists Administrative Annex purchased about \$7,139,213 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

78. Defendant Northwest Georgia Oncology Centers, P.C. is situated at 340 Kennestone Hospital Boulevard, Suite 200, Marietta ,GA 30060. Defendant Northwest Georgia Oncology Centers, P.C. bought approximately \$4,035,433 worth of Amgen products in the

Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

79. Defendant Augusta Oncology Associates is located at 3696 Wheeler Road, Augusta, GA 30909. Defendant August Oncology Associates purchased approximately \$,2,995,248 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

80. Defendant Central Georgia Cancer Care is located at 1062 Forsyth Street, Suite 1-B, Macon, GA 31201. Defendant Central Georgia Cancer Center bought about \$1,982,152 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

81. Defendant Northeast Georgia Cancer Care is located at 3320 Old Jefferson Road, Building 700, Athens, GA 30607. Defendant Northeast Georgia Cancer Care purchased approximately \$,2,117,042 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Hawai'i Medical Providers

82. Defendant Oncare Hawaii, Inc. is situated at 1329 Lusitana Street, Suite 307 Physician Office Building #2, Honolulu, HI 96813. Defendant Oncare Hawaii, Inc. bought approximately \$1,633,183 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Illinois Medical Providers

83. Defendant Oncology-Hematology Associates of Central Illinois is located at 8940 Wood Sage Road, Peoria, IL 61615. Defendant Oncology-Hematology Associates of Central Illinois purchased about \$5,376,932 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

84. Defendant Prairie Oncology Management Services, LLC, d/b/a Cancer Care Specialists of Central Illinois is located at 210 W. McKinley Ave., Suite 1, Decatur, IL 62526.

85. Defendant Prairie Oncology Management Services, LLC, d/b/a Cancer Care Specialists of Central Illinois bought about \$3,365,705 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

86. Defendant Intermed Oncology, 17901 Governors Highway, Suite 106, Homewood, IL 60430. Defendant Intermed Oncology bought about \$3,310,809 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

87. Defendant Northwest Oncology and Hematology is situated at Cancer Center Institute, 800 Biesterfield Road, Suite 210, Elk Grove Village, IL 60007. Defendant Northwest Oncology and Hematology purchased approximately \$2,676,638 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

88. Defendant Northwestern Medical Faculty Foundation is located at the Robert H. Lurie Comprehensive Cancer Center, 675 North St. Claire, Suite 21-100, Chicago, IL 60611.

Defendant Northwestern Medical Faculty Foundation bought approximately \$2,083,553 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

89. Defendant Joliet Oncology Hematology Associates is located at 2614 West Jefferson Street, Joliet, IL 60435. Defendant Joliet Oncology Hematology Associates purchased about \$1,725,518 of Amgen's products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

90. Defendant Fox Valley Hematology and Oncology, Ltd. is situated at 1710 North Randall Road, Suite 300, Elgin, IL 60123. Defendant Fox Valley Hematology and Oncology, Ltd. spent about \$1,547,286 in purchasing Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Indiana Medical Providers

91. Defendant Michiana Hematology-Oncology, PC is located at 615 North Michigan St., South Bend, IN 46601. Defendant Michiana Hematology-Oncology, PC. was the largest buyer of Amgen products in the Nation, purchasing approximately \$16,828,863 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

92. Defendant Hematology-Oncology of Indiana, P.C. is situated at 8301 Harcourt Road, Suite 200, Indianapolis, IN 46260. Defendant Hematology-Oncology of Indiana, P.C. bought about \$2,873,283 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate

from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

93. Defendant Oncology Hematology Associates of South West Indiana is located at 3699 Epworth Road, Evansville, IN 47630. Defendant Oncology Hematology Associates of South West Indiana bought about \$2,811,845 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

94. Defendant Cancer Health Treatment Centers, P.C. is located at 2600 Roosevelt Road, Valparaiso, IN 46383. Defendant Cancer Health Treatment Centers, P.C. purchased about \$2,684,860 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

95. Defendant Fort Wayne Medical Oncology and Hematology is located at 7910 W Jefferson Blvd # 108, Fort Wayne, IN 46804. Defendant Fort Wayne Medical Oncology and Hematology bought approximately \$2,163,635 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

96. Defendant American Health Network Hematology Oncology Associates is situated at 6820 Parkdale Place, Suite 200 Methodist Medical Plaza, Indianapolis, IN 46254. Defendant American Health Network Hematology Oncology Associates spent about \$1,510,076 to purchase Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Iowa Medical Providers

97. Defendant Medical Oncology and Hematology Associates is located at 1221 Pleasant Street, Suite 100, Des Moines, IA 50309. Defendant Medical Oncology and Hematology Associates bought approximately \$3,034,918 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

98. Defendant Siouxland Hematology and Oncology is located at 230 Nebraska Street, Sioux City, IA. Defendant Siouxland Hematology and Oncology bought around \$2,028,564 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Kansas Medical Providers

99. Defendant Cancer Center of Kansas is situated at 818 North Emporia, Suite 403, Wichita, KS 67214. Defendant Cancer Center of Kansas paid approximately \$5,146,553 for Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

100. Defendant Hutchinson Clinic, 2101 North Waldron Street, Hutchinson, KS 67502. Defendant Hutchinson Clinic purchased about \$2,840,875 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Kentucky Medical Providers

101. Defendant Commonwealth Cancer Center is located at 520 Techwood Drive, Suite 100, Danville, KY 40422. Defendant Commonwealth Cancer Center purchased approximately \$2,853,764 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Louisiana Medical Providers

102. Defendant Oncology Rx is situated at 3440 Division, Suite I., Metairie, LA 70002. Defendant Oncology Rx bought about \$3,877,978 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

103. Defendant Louisiana Oncology Associates is located at 4809 Ambassador Caffery Parkway, Suite 110, Lafayette, LA 70508. Defendant Louisiana Oncology Associates spent approximately \$1,952,998 on Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

104. Defendant Louisiana Hematology Oncology Associates is located at 4950 Essen Lane, 5th Floor, Baton Rouge, LA 70809. Defendant Louisiana Hematology Oncology Associates purchased about \$1,872,690 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Maine Medical Providers

105. Defendant Maine Center for Cancer Medicine has a place of business at 100 Campus Drive, Suite 108, Scarborough, ME 04074. Defendant Maine Center for Cancer Medicine purchased about \$3,164,407 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Maryland Medical Providers

106. Defendant Oncology-Hematology Associates, P.A. is located at 8926 Woodyard Road, Suite 201, Clinton, MD 20735. Defendant Oncology-Hematology Associates, P.A. bought about \$2,802,134 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

107. Defendant Chesapeake Oncology Hematology Associates is located at 3001 South Hanover Street at the Harborview Cancer Center-Building, Baltimore, MD 21225. Defendant Chesapeake Oncology Hematology Associates purchased approximately \$2,220,354 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

108. Defendant Maryland Hematology and Oncology is situated at 602 South Atwood Road, Suite 200, Bel Air, MD 21014. Defendant Maryland Hematology and Oncology spent approximately \$2,130,977 for Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

109. Defendant Center for Cancer and Blood Disorders is located at 6420 Rockledge Drive, Suite 4100, Bethesda, MD 20817. Defendant Center for Cancer and Blood Disorders purchased about \$1,812,345 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

110. Defendant Frederick Oncology/Hematology Associates is located at 46b Thomas Johnson Drive, Frederick, MD 21702. Defendant Frederick Oncology/Hematology Associates bought approximately \$1,502,125 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Massachusetts Medical Providers

111. Defendant Berkshire Hematology Oncology, P.C. is located at 8 Conte Drive, Pittsfield, MA 01201. Defendant Berkshire Hematology Oncology, P.C. purchased approximately \$2,563,669 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Michigan Medical Providers

112. Defendant Cancer and Hematology Centers of Western Michigan, P.C. has a business address of Lemmen-Holton Cancer Pavilion, 145 Michigan St. NE, Suite 3100, Grand Rapids, MI 49503. Defendant Cancer and Hematology Centers of Western Michigan, P.C. bought about \$5,523,297 worth of Amgen products in the Fourth Quarter of 2006 – receiving a

rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

113. Defendant Cancer Care Associates is located at 3577 West 13 Mile Road, Suite 404 Rose Cancer Center, Royal Oak, MI 48073. Defendant Cancer Care Associates purchased approximately \$2,919,804 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

114. Defendant The Oakland Medical Group is located at 27301 Dequindre, Suite 314, Madison Heights, MI 48071. Defendant The Oakland Medical Group bought approximately \$2,471,681 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

115. Defendant Great Lakes Cancer Management Specialists is located at 19229 Mack Avenue, Suite 24, Grosse Pointe Woods, MI 48236. Defendant Great Lakes Cancer Management Specialists purchased about \$2,376,034 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

116. Defendant Singh and Arora Oncology Hematology, P.C. is situated at 4100 Beecher Road, McLaren Regional Cancer Center, Flint, MI 48532. Defendant Singh and Arora Oncology Hematology, P.C. bought about \$2,171,651 of Amgen's products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

117. Defendant Genessee Cancer and Blood Disease Treatment Center, Inc. is located at 302 Kensington Avenue, First Floor, Flint, MI 48503. Defendant Genessee Cancer and Blood Disease Treatment Center, Inc. bought approximately \$2,082,050 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

118. Defendant Oncology Care Associates is located at 820 Lester Avenue, Suite 119, Cedarwood Medical Building, St. Joseph, MI 49085. Defendant Oncology Care Associates purchased about \$1,972,577 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

119. Defendant West Michigan Cancer Center is located at 200 North Park Street, Kalamazoo, MI 49007. Defendant West Michigan Cancer Center spent approximately \$1,757,976 for Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

120. Defendant Michigan Hematology Oncology, PC is located at Karmanos-Crittenton Cancer Center, 1901 Star Batt Drive, Suite 200, Rochester, MI 48309. Defendant Michigan Hematology Oncology, PC purchased about \$1,714,927 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

121. Defendant Hematology Oncology Consultants is located at 3577 West 13 Mile Road, Suite 103, Beaumont Rose Cancer Center, Royal Oak, MI 48073. Defendant Hematology Oncology Consultants bought about \$1,687,209 Orange Coast Oncology of Amgen products in

the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

122. Defendant Newland Medical Associates is located at 22301 Foster Winter Drive, 2nd Floor, Southfield, MI 48075. Defendant Newland Medical Associates purchased about \$1,580,610 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Minnesota Medical Providers

123. Defendant Mayo Clinic has a business address of 200 First Street Southwest, Rochester, MN 55905. Defendant Mayo Clinic bought about \$4,872,568 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

124. Defendant North Memorial Health Care is located at 3435 West Broadway Avenue, Suite #1135, Robbinsdale, MN 55422. Defendant North Memorial Health Care purchased about \$2,662,129 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

125. Defendant Park Nicollet Clinic - St. Louis Park is located at 3800 Park Nicollet Boulevard, St. Louis Park, MN 55416. Defendant Park Nicollet Clinic - St. Louis Park bought about \$1,535,832 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

126. Defendant Fairview Southdale Breast Center is located at 6545 France Ave, S. Edina, MN 55435. Defendant Fairview Southdale Breast Center purchased about \$1,514,101 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Mississippi Medical Providers

127. Defendant Jackson Oncology Associates, Pllc is located at 1227 North State Street, Suite 101, Hetterman Cancer Center, Jackson, MS 39202. Defendant Jackson Oncology Associates, Pllc spent approximately \$2,977,225 in purchasing Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Missouri Medical Providers

128. Defendant Washington University - Siteman Cancer Center is located at 4921 Parkview Place, Seventh Floor, St. Louis, MO 63110. Defendant Washington University - Siteman Cancer Center purchased about \$2,697,080 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

129. Defendant St. Louis Cancer Care Llp is located at 533 Couch Avenue, Suite G-20, Kirkwood, MO 63122. Defendant St. Louis Cancer Care Llp bought about \$2,070,596 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

130. Defendant Mercy Cancer Care is located at 607 South New Ballas Road, Suite 3300, St. Louis, MO 63141. Defendant Mercy Cancer Care bought approximately \$2,105,802 Orange Coast Oncology worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Montana Medical Providers

131. Defendant Hematology Oncology Centers of the Northern Rockies, P.C. has a business address of 2900 12th Avenue North, Suite 160 West, Billings, MT 59101. Defendant Hematology Oncology Centers of the Northern Rockies, P.C. bought approximately \$1,803,711 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Nebraska Medical Providers

132. Defendant Hematology Oncology Consultants, P.C. is located at 6901 North 72nd Street, Immanuel Cancer Center, Suite 2244, Omaha, NE 68122. Defendant Hematology Oncology Consultants, P.C. bought approximately \$2,903,775 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

New Jersey Medical Providers

133. Defendant Medical Oncology-Hematology Specialists is located at 420 Boulevard, Suite 201, Mountain Lakes, NJ 07046. Defendant Medical Oncology-Hematology

Specialists bought about \$3,513,325 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

134. Defendant Hematology-Oncology Associates of Northern New Jersey, P.A. is located at 100 Madison Avenue, Second Floor, Carol Simon Cancer Center, Morristown, NJ 07962. Defendant Hematology-Oncology Associates of Northern New Jersey, P.A. purchased approximately \$2,043,514 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

135. Defendant Hematology-Oncology of Central New Jersey is located at 180 While Road, Suite 101, Little Silver, NJ 07739. Defendant Hematology-Oncology of Central New Jersey spent about \$1,796,441 for Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

136. Defendant Cooper Cancer Institute - Division of Hematology/Oncology is located at 900 Centennial Boulevard, Suite M., Voorhees, NJ 08043. Defendant Cooper Cancer Institute - Division of Hematology/Oncology purchased about \$2,029,611 of Amgen's products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

137. Defendant Southern Oncology-Hematology Associates, P.A. is located at 1505 W. Sherman Avenue, Suite 101, Vineland, NJ 83060. Defendant Southern Oncology-Hematology Associates purchased approximately \$1,728,806 in Amgen products in the Fourth

Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

138. Defendant Medical Diagnostic Associates is located at 99 Beavoir Avenue, Summit, NJ 07901. Defendant Medical Diagnostic Associates bought approximately \$1,691,254 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

139. Defendant Kenneth D. Nahum, M.D. has a medical practice at 4505 Route 9 North, Howell Office Plaza, Howell, NJ 07731. Defendant Kenneth D. Nahum, M.D. purchased about \$1,587,749 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

140. Defendant Hunterdon Hematology Oncology Group is located at 2100 Wescott Drive, Flemington, NJ 08822. Defendant Hunterdon Hematology Oncology Group bought approximately \$1,514,454 of Amgen's products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

New Mexico Medical Providers

141. Defendant New Mexico Oncology Hematology Consultants is located at 4901 Lang Avenue Northeast, Albuquerque, NM 87109. Defendant New Mexico Oncology Hematology Consultants bought approximately \$1,900,737 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

New York Medical Providers

142. Defendant North Shore Hematology Oncology Associates, P.C. is located at 235 North Belle Mead Road, East Setauket, NY 11733. Defendant North Shore Hematology Oncology Associates, P.C. spent approximately \$4,945,940 in purchasing Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

143. Defendant Broome Oncology is located at 30 Harrison Street, Suite 100, Johnson City, NY 13790. Defendant Broome Oncology purchased about \$3,742,703 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

144. Defendant Hematology Oncology Associates of Central New York, P.C. is located at 5008 Brittonfield Parkway, Suite 700, East Syracuse, NY 13057. Defendant Hematology Oncology Associates of Central New York, P.C. purchased approximately \$2,996,325 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

145. Defendant Hudson Valley Hematology Oncology is located at 19 Baker Avenue, Suite 100, Poughkeepsie, NY 12601. Defendant Hudson Valley Hematology Oncology bought approximately \$2,143,682 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

146. Defendant Queens Long Island Medical Group P.C. is located at 226 Clinton Street, Hempstead, NY 11550. Defendant Queens Long Island Medical Group P.C. bought

about \$2,084,383 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

147. Defendant Park Slope Medicine is located at 343 4th Avenue, Brooklyn, NY 11215. Defendant Park Slope Medicine bought approximately \$1,716,099 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

148. Defendant Buffalo Medical Group is situated at 295 Essjay Road, Williamsville, NY 14221. Defendant Buffalo Medical Group spent about \$1,236,016 to purchase Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

149. Defendant Century Medical Associates is located at 45 Spindrift Drive, Suite 100, Buffalo, NY 14221. Defendant Century Medical Associates purchased approximately \$1,966,793 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Nevada Medical Providers

150. Defendant Nevada Cancer Center is located at 1950 East Desert Inn Road, Suite A, Las Vegas, NV 89109. Defendant Nevada Cancer Center purchased about \$1,585,052 of Amgen's products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

151. Defendant Cancer and Blood Specialists of Nevada is located at 701 Shadow Lane #300, Las Vegas, NV 89102. Defendant Cancer and Blood Specialists of Nevada bought about \$1,651,938 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

North Carolina Medical Providers

152. Defendant Piedmont Hematology Oncology Associates is located at 1010 Bethesda Court, Winston-Salem, NC 27103. Defendant Piedmont Hematology Oncology Associates bought around \$3,403,135 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

153. Defendant Southeastern Medical Oncology Center is located at 203 Cox Boulevard, Goldsboro, NC 27534. Defendant Southeastern Medical Oncology Center purchased approximately \$3,101,058 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

154. Defendant Gaston Hematology and Oncology Associates is located at 2610 Aberdeen Boulevard, Gastonia, NC 28054. Defendant Gaston Hematology and Oncology Associates purchased about \$2,930,719 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

155. Defendant Hanover Medical Specialists, P.A. is located at 1520 Physicians Drive, Wilmington, NC 28401. Defendant Hanover Medical Specialists, P.A. bought approximately \$2,560,037 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

156. Defendant Northwestern Carolina Oncology and Hematology - Hickory is located at 225 18th Street Southeast, Hickory, NC 28602. Defendant Northwestern Carolina Oncology and Hematology spent about \$1,857,258 for Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

157. Defendant Carolinas Physicians Network d/b/a Carolinas Hematology Oncology Associates is located at 1100 South Tryon Street, Suite 400, Charlotte, NC 28203. Defendant Carolinas Physicians Network d/b/a Carolinas Hematology Oncology Associates purchased about \$1,695,127 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

158. Defendant Northeast Oncology Associates is located at the Roy Hinson Cancer Center, 945 North Fifth Street, Albemarle, NC 28002. Defendant Northeast Oncology Associates purchased about \$1,577,816 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Ohio Medical Providers

159. Defendant Oncology Hematology Care, Inc. is located at 199 William Howard Taft Road, Cincinnati, OH 45219. Defendant Oncology Hematology Care, Inc. spent about \$8,655,785 to purchase Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

160. Defendant Hematology Oncology of Dayton is located at 9000 North Main Street, Suite G36, Dayton, OH 45415. Defendant Hematology Oncology of Dayton bought approximately \$3,319,023 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

161. Defendant Mid-Ohio Oncology Hematology is located at 745 West State Street, Suite 550b, Columbus, OH 43222. Defendant Mid-Ohio Oncology Hematology bought about \$3,210,795 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

162. Defendant Cincinnati Hematology Oncology Inc. is located at 2727 Madison Road, Suite 400, Cincinnati, OH 45209. Defendant Cincinnati Hematology Oncology Inc. bought about \$2,193,925 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

163. Defendant Hematology Oncology Center, Inc. is located at 41201 Schadden Road, Elyria, OH 44035. Defendant Hematology Oncology Center, Inc. bought approximately

\$2,165,264 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

164. Defendant Blood and Cancer Center is situated at 3695a Boardman Canfield Road, Canfield, OH 44406. Defendant Blood and Cancer Center spent about \$2,083,908 for Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

165. Defendant Columbus Oncology Associates, Inc. is located at 810 Jason Way, Suite A, Columbus, OH 43214. Defendant Columbus Oncology Associates purchased about \$1,811,960 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Oklahoma Medical Providers

166. Defendant Oklahoma Oncology and Hematology Associates Inc. d/b/a Cancer Care Associates is located at 1810 East 15th Street, Tulsa, OK 74104. Defendant Oklahoma Oncology and Hematology Associates Inc. d/b/a Cancer Care Associates purchased about \$9,966,750 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

167. Defendant Oklahoma Oncology Incorporated is located at 1705 East 19th Street, Suite 201, Tulsa, OK 74104. Defendant Oklahoma Oncology Incorporated purchased approximately \$1,585,521 worth of Amgen products in the Fourth Quarter of 2006 – receiving a

rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Oregon Medical Providers

168. Defendant Pacific Oncology, PC is located at 1130 NW 22nd Ave, Ste 100, Portland, OR 97210. Defendant Pacific Oncology, PC bought about \$3,684,006 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

169. Defendant Hematology Oncology Associates, P.C. is located at 2828 Barnett Rd, Medford, OR 97504. Defendant Hematology Oncology Associates, P.C. purchased about \$2,517,096 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Pennsylvania Medical Providers

170. Defendant Medical Center Clinic - Cercone Village Office is located at 4727 Friendship Avenue, Suite 340, Pittsburgh, PA 15224. Defendant Medical Center Clinic - Cercone Village Office purchased about \$3,514,349 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

171. Defendant Consultants in Medical Oncology and Hematology is located at 2100 Keystone Avenue, Suite 502, Medical Office Building, Drexel Hill, PA 19026. Defendant Consultants in Medical Oncology and Hematology bought about \$3,188,672 of Amgen products

in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

172. Defendant Abington Hematology-Oncology Associates Inc. is located at 2510 Maryland Avenue, Suite 175, Willow Grove, PA 19090. Defendant Abington Hematology-Oncology, Associates, Inc. bought about \$2,954,902 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

173. Defendant Cancer Care Associates of York is located at 25 Monument Road, Suite 294, York, PA 17403. Defendant Cancer Care Associates of York paid about \$2,796,915 for Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

174. Defendant Pennsylvania Oncology Hematology Associates is located at 230 West Washington Square, 2nd Floor, Philadelphia, PA 19106. Defendant Pennsylvania Oncology Hematology Associates bought about \$2,460,575 of Amgen's products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

175. Defendant Bryn Mawr Medical Specialists is located at 933 Haverford Road, Bryn Mawr, PA 19010. Defendant Bryn Mawr Medical Specialists purchased about \$2,385,421 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

176. Defendant Greater Philadelphia Cancer and Hematology Specialists is located at 3998 Red Lion Road, Suite 130, Frankford Torresdale Cancer Center, Philadelphia, PA 19114. Defendant Greater Philadelphia Cancer and Hematology Specialists purchased approximately

\$2,273,492 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

177. Defendant Hematology Oncology Associates of Northeast Pennsylvania is situated at 1100 Meade Street, Dunmore, PA 18512. Defendant Hematology Oncology Associates of Northeast Pennsylvania bought about \$2,240,760 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

178. Defendant Chester County Hematology and Oncology Services is located at 440 East Marshall Street, Suite 201, West Chester, PA 19380. Defendant Chester County Hematology and Oncology Services bought approximately \$2,063,086 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

179. Defendant Bux-Mont Oncology-Hematology Medical Associates is located at 915 Lawn Avenue, Suite 202, Sellersville, PA 18960. Defendant Bux-Mon Oncology-Hematology Medial Associates purchased about \$1,999,889 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

180. Defendant Regional Cancer Center is located at 2500 West 12th Street, Erie, PA 16505. Defendant Regional Cancer Center spent about \$1,924,144 to purchase Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

181. Defendant Regional Hematology Oncology Associates is located at 240 Middletown Boulevard, Suite 205, Langhorne, PA 19047. Defendant Regional Hematology Oncology Associates bought approximately \$1,845,188 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

182. Defendant Cantor, Biermann, Fellin and Associates is located at 1330 Powell Street, Suite 308, Norristown, PA 19401. Defendant Cantor, Biermann, Fellin and Associates bought about \$2,097,174 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

183. Defendant Associates in Hematology Oncology, P.C. is located at One Medical Center Boulevard, Suite 341, Crozer-Regional Cancer Center, Chester, PA 19013. Defendant Associates in Hematology Oncology, P.C. spent approximately \$1,990,602 for Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

184. Defendant Jefferson Hematology/Medical Oncology Associates is located at 111 South 11th Street, Gibbon Building, Suite G4240, Philadelphia, PA 19107. Defendant Jefferson Hematology/Medical Oncology Associates bought about \$1,536,643 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

South Carolina Medical Providers

185. Defendant South Carolina Oncology Associates, P.A. is located at 166 Stoneridge Drive, Columbia, SC 29210. Defendant South Carolina Oncology Associates, P.A. purchased approximately \$5,191,232 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

186. Defendant Coastal Cancer Center is a Division of Associated Medical Specialists and has a business address of 8121 Rourk Street, Myrtle Beach, SC 29572. Defendant Coastal Cancer Center purchased about \$2,971,187 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

187. Defendant Palmetto Hematology Oncology, P.C. is located at 380 Serpentine Drive, Suite 200, Spartanburg, SC 29303. Defendant Palmetto Hematology Oncology, P.C. bought about \$1,588,219 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Tennessee Medical Providers

188. Defendant Tennessee Oncology, Pllc is located at 300 20th Avenue North, Suite 301, Nashville, TN 37203. Defendant Tennessee Oncology, Pllc bought approximately 15,816,588 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

189. Defendant The West Clinic is located at 100 North Humphreys Boulevard, Memphis, TN 38120. Defendant The West Clinic bought about \$10,059,703 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

190. Defendant Tennessee Cancer Specialists has a business address of 9430 Parkwest Blvd., Ste 120, Knoxville, TN 37923. Defendant Tennessee Cancer Specialists spent about \$6,681,301 for Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

191. Defendant Boston Baskin Cancer Group - University of Tennessee Cancer Institute is located at 1331 Union Avenue, Suite 800, Memphis, TN 38104. Defendant Boston Baskin Cancer Group - University of Tennessee Cancer Institute spent approximately \$3,478,671 to purchase Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

192. Defendant Kingsport Hematology-Oncology Associates is situated at 111 West Stone Drive, Suite 300, Kingsport, TN 37660. Defendant Kingsport Hematology-Oncology Associates bought approximately \$2,552,146 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

193. Defendant Thompson Oncology Group is located at 1915 White Avenue, 1st Floorthompson Cancer Survival Center, Knoxville, TN 37916. Defendant Thompson Oncology Group purchased approximately \$1,772,565 of Amgen products in the Fourth Quarter of 2006 –

receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

194. Defendant Chattanooga Oncology Hematology Associates is located at 605 Glenwood Drive, Suite 200, Chattanooga, TN 37404. Defendant Chattanooga Oncology Hematology Associates bought approximately \$1,759,703 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

195. Defendant East Tennessee Hematology Oncology Associates PC d/b/a McLeod Cancer and Blood Center is located at 310 State of Franklin Road, Suite 401, Johnson City, TN 37604. Defendant East Tennessee Hematology Oncology Associates PC d/b/a McLeod Cancer and Blood Center purchased approximately \$1,527,385 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Texas Medical Providers

196. Defendant South Texas Oncology and Hematology Associates, P.A. is located at 315 North San Saba, Suite E 1160, San Antonio, TX 78207. Defendant South Texas Oncology and Hematology Associates, P.A. purchased about \$5,059,026 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

197. Defendant Houston Cancer Clinic is located at 920 Medical Plaza, Suite 140, Spring, TX 77380. Defendant Houston Cancer Clinic bought approximately \$3,839,157 of

Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

198. Defendant Oncology Consultants is situated at 2130 W. Holcombe Blvd., 10th Floor, Houston, TX 77030. Defendant Oncology Consultants purchased about \$2,607,515 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

199. Defendant Tyler Hematology Oncology is located at 721-A Clinic Drive, Tyler, TX 75701. Defendant Tyler Hematology Oncology bought about \$2,138,035 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

200. Defendant Metroplex Hematology/Oncology Associates d/b/a Arlington Cancer Center is located at 906 West Randol Mill Road, Arlington, TX 76012. Defendant Metroplex Hematology/Oncology Associates d/b/a Arlington Cancer Center spent about \$1,927,917 for Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

201. Defendant Southeast Texas Oncology Partners is located at 1140 Cypress Station Drive, Suite 302, Houston, TX 77090. Defendant Southeast Texas Oncology Partners bought approximately \$1,865,967 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

202. Defendant Northwest Cancer Center is located at 17323 Red Oak Drive, Houston, TX 77090. Defendant Northwest Cancer Center spent approximately \$1,805,176 on Amgen

products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

203. Defendant Rohit Kapoor, M.D., P.A. is located at 12602 Toepperwein Road, Suite 202, San Antonio, TX 78233. Defendant Rohit Kapoor, M.D., P.A. purchased approximately \$1,366,602 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Utah Medical Providers

204. Defendant Utah Cancer Specialists is located at 3838 South 700 East, Suite 100, Salt Lake City, UT 84106. Defendant Utah Cancer Specialists bought approximately \$2,728,797 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

205. Defendant Central Utah Clinic is located at 1055 North 500 West, Building A Suite 202, Provo, UT 84604. Defendant Central Utah Clinic purchased about \$2,331,403 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

Virginia Medical Providers

206. Defendant Virginia Cancer Institute has a business location of 6605 West Broad Street, Richmond, VA 23230. Defendant Virginia Cancer Institute bought around \$3,133,824 of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

207. Defendant Hematology Oncology Patient Enterprises (Hope) is located at 459 Locust Avenue, 3rd Floor, Center for Cancer Care, Charlottesville, VA 22902. Defendant Hematology Oncology Patient Enterprises spent about \$2,122,146 on Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

208. Defendant Lynchburg Hematology Oncology Clinic is located at 1701 Thomson Drive, Lynchburg, VA 24501. Defendant Lynchburg Hematology Oncology Clinic bought about \$1,641,757 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

209. Defendant Peninsula Cancer Institute is located at 120 Kings Way, Suite 3100, Williamsburg, VA 23185. Defendant Peninsula Cancer Institute spent about \$1,579,678 to purchase Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Washington Medical Providers

210. Defendant Western Washington Oncology is located at 4525 3rd Avenue Southeast, Suite 200, Lacey, WA 98503. Defendant Western Washington Oncology bought approximately \$3,203,413 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

211. Defendant Northwest Medical Specialty is situated at 1624 South I. Street, Tacoma, WA 98405. Defendant Northwest Medical Speciality bought about \$2,398,256

of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

212. Defendant Rainer Oncology Professional Services is located at 400 15th Avenue Southeast, Suite D, Puyallup, WA 98372. Defendant Rainer Oncology Professional Services purchased around \$1,919,907 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

Wisconsin Medical Providers

213. Defendant Oncology Alliance is located at 4655 North Port Washington Road, Suite 200, Milwaukee, WI 53212. Defendant Oncology Alliance purchased about \$6,638,191 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

214. Defendant Marshfield Clinic is located at 1000 North Oak Avenue, Marshfield, WI 54449. Defendant Marshfield Clinic bought approximately \$3,416,470 in Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

215. Defendant Fox Valley Hematology and Oncology has a business location of 900 East Grant Street, Martha Siekman Cancer Center, Appleton, WI 54911. Defendant Fox Valley Hematology and Oncology purchased around \$2,893,197 of Amgen's products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

216. Defendant Aurora Sheboygan Clinic is located at 2414 Kohler Memorial Drive, Sheboygan, WI 53081. Defendant Aurora Sheboygan Clinic purchased approximately \$2,553,771 worth of Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amount to approximately fifty percent of all purchases as a Platinum Amgen customer.

217. Defendant Green Bay Oncology Limited is situated at 835 South Van Buren Street, Green Bay, WI 54301. Defendant Green Bay Oncology Limited spent approximately \$1,907,532 to purchase Amgen products in the Fourth Quarter of 2006 – receiving a rebate from Defendant Amgen amounting to approximately forty percent of all purchases as a Gold Amgen customer.

III. FACTUAL ALLEGATIONS.

A. Overview of Relevant Amgen Drug Products and Their Market.

218. Erythropoiesis is the process by which the body produces erythrocytes, or red blood cells. Red blood cells contain hemoglobin, a protein that functions primarily in the transport of oxygen from the lungs to the tissues of the body. Hemoglobin levels are expressed in grams (g) per deciliter (dL) of whole blood. An adequate supply of red blood cells is necessary to oxygenate the body. Anemia, a condition in which the blood is deficient in red blood cells or hemoglobin, impairs the body's ability to transfer oxygen to the tissues. Anemia has many potential causes, including an iron-poor diet, excessive bleeding, certain cancers, certain cancer treatments, and kidney or liver failure. A necessary step in the erythropoietic process is the production of erythropoietin, a protein made in the kidneys that stimulates red

blood cell formation. In the early 1980s, Amgen scientists cloned the gene for erythropoietin, a discovery that led eventually to the Company's commercialization of man-made versions of erythropoietin — epoetin alfa, which Amgen markets in the U.S. as "Epogen" and darbepoetin alfa, which Amgen markets in the U.S. as Aranesp. Because epoetin alfa and darbepoetin alfa, like endogenous erythropoietin, stimulate red blood cell formation, they are referred to as "erythropoiesis-stimulating agents" or "ESAs." Erythropoietin and its man-made copies are also sometimes referred to as EPO.

219. While epoetin alfa was still in development, Amgen entered into a Product License Agreement ("PLA") with a subsidiary of Johnson & Johnson ("J&J") – OrthoBiotech. Amgen granted J&J an exclusive license under Amgen's patents to market and sell Amgen-manufactured epoetin alfa in the U.S. for anemia in humans resulting from all treatments except in the dialysis and diagnostics settings. In 1989, the Federal Drug Administration ("FDA") approved Epogen for the treatment of anemia associated with chronic renal failure ("CRF"), including end stage renal disease patients and patients not on dialysis. The treatment for more severe cases of anemia in CRF patients had been whole blood or red cell transfusions. Epogen therapy was to elevate or maintain the red blood cell level and to reduce the need for transfusions in these patients.

220. Through its own research and testing, J&J obtained FDA approval to market epoetin alfa (Procrit) to treat and reduce the need for transfusions in patients undergoing treatment for other diseases. Between 1991 and 1996, J&J secured FDA approvals to market epoetin alfa (Procrit) for persons who develop anemia as a consequence of chemotherapy for cancer, treatment of HIV infection with the pharmaceutical zidovudine, chronic kidney diseases in pre-dialysis patients, and in anemic patients scheduled to undergo elective, non-cardiac, non-

vascular surgery. J&J markets its Amgen-manufactured product under the name Procrit. Except for the difference in their marketing names, the Epogen and Procrit products are identical, as are their FDA-approved labels listing indications, warnings and other information.

221. Pursuant to the PLA, however, Amgen is precluded from expanding its Epogen marketing to take advantage of the indications for epoetin alfa obtained by J&J. Amgen's solution to that limitation was to develop a new ESA, darbepoetin alfa. The molecular structure of darbepoetin alfa is slightly different than that of epoetin alfa and lasts longer in the bloodstream. The clinically significant impact was that darbepoetin alfa could be administered less often than epoetin alfa. The commercially significant impact was that Amgen could now market a product in the lucrative oncology market and otherwise seek to expand its ESA franchise in ways the PLA precluded it from doing with Epogen.

222. The PLA between Amgen and J&J, entered into when Amgen was still a struggling start-up hungry for capital, has allowed J&J to reap billions of dollars from sales of Procrit. As described in a Forbes article entitled "Amgen's Enemies" dated October 30, 2006, Amgen "sidestepped" the PLA through its development of Aranesp so it could reclaim the market it had given to J&J.

223. In 2001, the FDA awarded Amgen approval to market Aranesp for the treatment of anemia associated with CRF, including patients on dialysis (end stage renal disease) and patients not on dialysis. In 2002, Amgen secured approval to market Aranesp for the treatment of anemia associated with cancer chemotherapy.

224. By late 2003, Aranesp had a 45% share of domestic non-dialysis ESA share to Procrit's 55%; Amgen has since overtaken J&J and eventually controlled over half this market. Amgen's ESA franchise has been core to its survival and its success.

225. Now a Fortune 200 company, Amgen is the largest biotechnology company in the world, generating \$14.3 billion in revenues in 2006, approximately half of which come from sales of Epogen and Aranesp. Indeed, the *New York Times* has described Epogen as the “best-selling drug ever created by biotechnology.”

226. Epogen, Aranesp, Neulasta, and Neupogen are all injectable drugs that are administered either by a doctor or nurse in a medical practice or in a hospital setting. Patients do not self-administer these drugs. Since Epogen, Aranesp, Neulasta, and Neupogen are all administered in a medical setting, each medical provider must maintain a stockload of these drugs to administer in patients.

227. A medical provider will generally purchase these drugs from Amgen or through wholesalers who purchase the drug from Amgen. The medical provider is then reimbursed for the injection of the drug by a third party payer (insurance). The medical provider receives payment for the administration of the drug (a fee for the injection) as well as for the drug itself. Because the medical provider does the initial purchase of the drug, Amgen sought to influence the purchase choices of doctors to favor its products over competitors. One of Amgen’s most effective ways of persuading Defendant Medical Providers – usually medical practices of oncology doctors or hospitals for oncology patients – to use Amgen’s products was through the payment of “rebates” based upon a contract – the Amgen Portfolio Contract.

228. Amgen’s financial success was due in large part do to its sales of ESAs. In 2006, Amgen generated \$14.3 billion in revenues, approximately half of which came from sales of Epogen and Aranesp.

229. In the United States, dialysis providers are primarily reimbursed for Epogen by the federal government through the End Stage Renal Disease Program (“ESRD Program”) of

Medicare. The ESRD Program reimburses approved providers for 80% of allowed dialysis costs; the remainder is paid by other sources, including patients, state Medicaid programs, private insurance, and to a lesser extent, state kidney patient programs. The ESRD Program reimbursement rate is established by federal law and is monitored and implemented by the Centers for Medicare and Medicaid Services (“CMS”). Most patients receiving Aranesp, Neulasta, and Neupogen for approved indications are covered by both government and private payer healthcare programs.

230. Amgen also manufactures and markets the drugs Neupogen and Neulasta, which are prescribed for chemotherapy patients to reduce the risk of infection due to decreases in the number of infection-fighting white blood cells. Neulasta requires less frequent dosing than Neupogen. Neulasta generated significant profits for medical providers. For example, certain providers received a net profit of \$3,000 each time they administered an injection of Neulasta to a patient.

231. The drugs Neupogen and Neulasta are to white blood cells what Epogen and Aranesp are to red blood cells – slightly different versions of a human protein manufactured by recombinant DNA technology that stimulates their production. Oncologists who purchase and administer ESAs generally also require Neupogen and/or Neulasta for their practices. As with its ESA franchise, Amgen has a patent estate protecting Neupogen and Neulasta. Unlike with ESAs, Amgen does not share the franchise with a competitor/licensee. In the United States, Amgen has a 98% share of sales to oncology clinics for white blood cell-boosting drugs.

232. At the end of 2004, a change occurred in how medical services providers are reimbursed by Medicare for their coverage-eligible purchases. Prior to January 1, 2005, Amgen and other drug companies were required under Medicare Part B to report average wholesale

prices (“AWP”) for their drugs to CMS. Purchasers of the drugs — like doctors and other medical services providers — were reimbursed by CMS based on these “posted prices” and not actual transaction prices. Purchases at prices less than the posted AWP created a “spread” resulting in a profit source for doctors. Pursuant to the Medicare Prescription Drug, Improvement and Modernization Act of 2003, companies now have to report actual net transaction prices (including rebates and other discounts) rather than AWP. The reimbursement formula is now calculated as “average sale price” or ASP, plus six percent.

233. Recently several studies have linked the anemia drugs to cardiovascular problems and faster tumor growth. In March of 2007, the FDA added a black box warning to the drugs’ labels cautioning doctors that the medications should be administered at the lowest dose possible in order to bring red blood cell counts to the lowest level necessary to avoid transfusions.

234. All patients using Epogen are covered by Medicare. Approximately 55-60% of the sales of Aranesp, Neulasta, Neupogen, and Procrit are covered by Medicare. The Medicaid program also covers certain patients using these drugs.

B. Fraudulent Reporting of AWP by Amgen and Medical Providers.

235. Prior to 2005, the reimbursement rates from the Medicare Part B and Medicaid programs for prescription drugs were based on the manufacturer’s AWP. Although the Medicare program has changed its reimbursement methodology, several states continue to use AWP as the basis for Medicaid reimbursement for certain drugs.

236. During the time period when AWP was used to calculate Medicare and Medicaid reimbursement rates, Defendant Amgen improperly and fraudulently manipulated AWP for several of its products, including Aranesp, Neupogen, and Neulasta. Defendant routinely

engaged in the practice of reporting an AWP that far exceeded the price at which the drugs actually were sold to providers. By reporting an inflated AWP, Defendant caused the Medicare and/or Medicaid reimbursement for these drugs to be inflated.

237. Defendant inflated the AWP for its products through practices such as concealing off-invoice discounts, price protection, free goods and samples, overfill of the drug in vials, and an extensive rebate program to users of Amgen ESAs and Neulasta and Neupogen including Defendant Medical Providers including and other improper kickbacks provided to physicians.

238. The price differential between the amount a provider pays for a drug and the amount the provider receives in reimbursement for the drug from Medicare and/or Medicaid is called the “spread” or “margin.” By improperly and purposefully manipulating the AWP for its drugs, Defendant Amgen created inflated price spreads and then used these spreads to gain market share for its products. For example, Amgen’s management created reimbursement comparison spreadsheets and “business reviews” for its sales representatives to show to doctors in order to demonstrate that its drugs could be sold at a greater spread than those of other drug companies.

C. Amgen Portfolio Contracts and Illegally Obtained and Concealed Discounts.

239. Amgen has provided a variety of discounts to Defendant Medical Providers to encourage the use of its products. These discounts were mainly in the form of rebates. These discounts went not to the ultimate payer of these products – the private insurance companies and Medicare and Medicaid. Instead, these rebates went to the doctors who pocketed these rebates even though it was not their money to keep.

240. Each doctor, hospital, or medical provider that obtained a rebate based upon its Amgen's Portfolio Contract had a legal and ethical obligation to return a proportionate share of that money to the third party payer who actually reimbursed the Defendant Medical Provider for the Amgen product.

241. Amgen manipulated AWP (Average Wholesale Price) by a number of ways before and after the implementation of ASP. One way Amgen manipulated AWP was by "back end" rebates. These were rebates that were "kickbacks" to customers based on amount of Amgen products purchased. The largest of these "kickbacks" occurred between 2002 and January 2005. In fact it was customary for ICON to receive greater than \$1 million dollars per quarter from Amgen in this form of "kickbacks" alone. Hospitals also had contracts where they received "kickbacks". While most hospitals pharmacy budgets are "cost" driven some hospitals provide patient services on an "outpatient" basis these hospitals would benefit by the egregious "spread" or "profit" from Medicare/Medicaid in Amgen products.

242. The Office of Inspector General of the Department of Health and Human Services provided guidance as to what discounts were permissible under a "safe harbor" provision and what discounts were illegal in its adoption of the final rule as to safe harbor provisions of the Federal Anti-Kickback Statute (November 19, 1999):

As a general rule, discounts for health care items and services are encouraged under the Federal health care programs so long as the Federal health care programs share in the discount where appropriate, and as appropriate, to the reimbursement methodology. Arrangements in accordance with which Federal programs get less than their proportional share of cost-savings on items or service payable by the programs are seriously abusive. Such arrangements result in the programs being overcharged and are not protected by either the statutory exception or the regulatory safe harbor for discounts. (64 FR 63526)

Put bluntly, Amgen colluded with medical providers in such a way as to deprive federal health care programs of their proportionate share of cost-savings. As a result, these discount schemes were not protected by the safe harbor provisions under federal law and regulations.

243. In particular, the rebates provided to doctors are absolutely not covered by the safe harbor provisions for discounts:

A rebate under our proposal would be defined as any discount not given at the time of sale. Consequently, a rebate transaction would not be covered by the safe harbor if it involves a buyer under § 1001.952(h)(1)(iii) that is neither a cost-reporter nor a HMO or CMP [Competitive Medical Plan] because for such buyers, all discounts must be given at the time of sale. *Id.*

Finally, it was incumbent upon Amgen and Defendant Medical Providers, in order to qualify for the safe harbor of these discounts including rebates provided to Amgen's medical providers to each play a role. Amgen was required to provide "effective notice" to buyers of the obligations of Defendant Medical Providers to report discounts. In the course and scope of his employment with Amgen, Relator worked on numerous accounts where no effective notice was provided to the medical providers of their obligations under 42 C.F.R. 1001.952(h). For example, it was required of all Defendant Medical Providers to report fully and accurately any discount in accordance with 42 C.F.R. 1001.952(h)(1)(ii)(C). Again, in the course and scope of his employment with Amgen, Relator worked with numerous accounts where discounts, particularly rebates, were not fully and accurately reported, thus nullifying and "safe harbor" and making these discounts illegal. This was so even where medical providers and Amgen acknowledged that there was an obligation to report all discounts and rebates received by any Defendant Medical Provider as part of the "Amgen Portfolio Contract" and specifically contained in the contract itself.

D. Other Illegal Practices.

1. Tying of Amgen products.

244. In order to boost sales and take advantage of the last year under Medicare reimbursement under the AWP system, Amgen in 2004 began tying the level of rebates physicians can qualify for on their purchases of two other Amgen drugs, Neupogen and Neulasta, to the amount of Aranesp they purchased. Neupogen and Neulasta are to white blood cells what Epogen and Aranesp are to red — slightly different versions of a human protein manufactured by recombinant DNA technology that stimulates their production.

245. Oncologists who purchase and administer ESAs generally also require Neupogen and or Neulasta for their practices. As with its ESA franchise, Amgen has a patent estate protecting Neupogen and Neulasta. Unlike with ESAs, Amgen does not share the franchise with a competitor/licensee; in the U.S., Amgen has a 98% share of sales to oncology clinics for white blood cell-boosting drugs. J&J filed an action against Amgen in federal court in New Jersey alleging that Amgen's sales practices constitute an unlawful and anticompetitive tying arrangement and pricing scheme that violates U.S. antitrust law. *See Ortho Biotech Products, LP. v. Amgen Inc.*, Case No. 2:05-cv-04850-SRC-MAS (D.N.J. filed Oct. 11, 2005) that the contracts were “illegal”.

246. Amgen's answer to the field at the direction of Jim Daly (formerly of Glaxo Smith Kline Pharmaceuticals), Cynthia Schwan and Joe Turgeon (formerly of Johnson and Johnson) was handing out some form letters around the “claims are false” that were so embarrassing of guilt that Relator refused to distribute. By 2004, Aranesp had a 51% share of the domestic non-dialysis ESA market. While the statistics indicate percentage of market share

they do no touch on what was really happening. Not only did Amgen capture 51% of the ESA market, Amgen grew the market by 300%.

2. Off-Invoice discounts.

247. Amgen also fraudulently concealed the true price for its products by means of “off invoice discounts.” These off invoice discounts were another form of Amgen “kickbacks” where the medical service provider would get a discount off the printed invoice. That way, if the medical service provider was ever audited by Medicare, the medical service provider would be able to show the auditor a higher purchase price on the invoice while in actuality the provider paid substantially less.

248. Amgen provided “off invoice discounts” on Aranesp, Neupogen, Epogen and Neulasta. Medical providers including hospitals received these “off invoice discounts” and fraudulently benefitted from these off invoice discounts by receiving Medicare and Medicaid reimbursement at a rate substantially higher than would have been otherwise legally obtainable.

3. Use of overfill.

249. Amgen was also able to obtain substantially higher reimbursement for medical providers by fraudulently increasing the amount of product in its containers. “Overfill” is the extra amount of product that manufacturers put in the vial. For Amgen the average amount was approximately 16%.

250. Relator had some medical service providers such as the Charles Nelson Pharmacy Technician of Montgomery and Associates and the Carl Williams Pharmacy Technician of ICON

claim that while using a BD no-dead space insulin syringe claimed, 20% overfill could be obtained from Amgen vials.

251. Amgen overfilled all their vials of Aranesp, Epogen, and Neupogen. Thus, for a 500mcg vial of Aranesp, there would be approximately 100 mcg in “overfill” or an extra \$200.00 in Medicare billable profit to the medical service provider.

252. An even greater “overfill” abuse was with Neupogen. Since Medicare only had two “J codes” for Neupogen reimbursement, a physician would dose 350mcg for an average person (70kg) yet he had to draw it out of a 480 mcg Neupogen vial. Since the Neupogen 480mcg vial really had 530 mcg due to the overfill, the medical provider had an extra 180 mcg that could be saved, given to another patient, and billed to a third-party payer without any additional cost.

253. Thus, the physician would bill for the “J1441” code for Medicare to reimburse and have 180mcg for pure profit. Considering that Medicare reimbursed their providers every 14 days this represented quite a return on investment. As mentioned “overfill” was promoted by Amgen for Epogen, Neupogen and Aranesp creating huge profits for physicians.

254. Amgen would aid medical providers in their use of excess amounts of Amgen products in vials by providing “overfill” letters and “stability” letters by calling 1-800-77AMGEN. In other words, Amgen actively used the overfill in its products as a marketing opportunity.

4. Price protection.

255. Amgen also fraudulently manipulated the price the third-party payers provided reimbursement for its products through the use of “price protection.”

256. Amgen would usually have at least one or two price increases per year around 5 percent on all products. However, Amgen price protected their contracted customers. So if Amgen had a 5 percent increase on Aranesp, Neupogen, and Neulasta, Amgen would report the new price to Medicare since Medicare updates its reimbursement amounts every 15 days based on published prices.

257. Since most customers were still under contract, Amgen would charge the contracted price for these medical providers until the expiration of the contract. Medical providers, however, would receive increased reimbursement based upon Amgen's representation that it had increased its prices. This increase, however, was in name only and Amgen's customers would receive an additional five percent reimbursement from Medicaid and Medicare without any corresponding increase in their costs. Amgen's price protection was usually for six months.

258. Amgen also fraudulently manipulated the reimbursement of its products by third party payers including Medicaid and Medicare by providing free goods and samples. Each Amgen sales representative had \$50,000.00 dollars in free goods at his/her discretion for making deals. More could be obtained via Amgen Sales and Marketing approval or management approval. "Free samples" of Amgen products were often liberally doled out amounting to, again, pure profit for the medical providers who could then charge third-party payers the full amount for reimbursement for the administration of these Amgen products in medical offices and hospitals.

5. Marketing to spread by Amgen.

259. The sales representatives were trained by Defendant Amgen to persuade medical providers to purchase Amgen's drugs based on the profits the providers would realize due to the greater spread created by Amgen. Defendant instructed its sales representatives not to leave the spreadsheets in the providers' offices and not to store them on their computers for fear that they could be used as evidence of Defendant's wrongdoing.

260. By manipulating the prices of its drugs and by "marketing the spread," Defendant has passed the cost of the medical providers' extra profits on to federal and state health care programs because it has knowingly caused the government to pay false or fraudulent claims based on inflated drug prices.

261. In addition, the artificially inflated profits received by the medical providers as a result of Defendant's AWP manipulation and marketing of the spread, constitute illegal kickbacks to induce providers to purchase Defendant's products in violation of federal antikickback laws.

262. Medical providers, including Defendants, Florida Cancer Specialists, Gulfcoast Oncology Associates, and ICON, knowingly profited from Amgen's practice of selling on the spread. The profits these medical providers could realize by buying on the spread enticed them to purchase, administer, and seek reimbursement from Medicare and Medicaid for anemia drugs that often times were medically unnecessary.

263. Amgen's practice of marketing the spread has caused government healthcare programs to suffer billions of dollars in damages as a result of increasing Medicare and Medicaid reimbursement due to inflated AWPs and by encouraging physicians to purchase its drugs based on financial incentives as opposed to medical necessity.

6. Improper Financial Incentives to Medical Providers.

264. Defendant Amgen's fraudulent marketing and sales activities were not limited to marketing the spread. Amgen's sales programs were driven by the payment of other improper incentives to medical providers – including but not limited to sham honoraria. These financial incentives not only constitute illegal kickbacks, but also caused the submission of false claims for payment to the government.

265. Amgen also gained market share by providing physicians with kickbacks under the guise of honoraria. For example, Amgen would invite medical providers to dinners referred to as roundtable discussions during which physicians were supposed to present information regarding certain relevant medical issues. However, often no medical discussions would take place and Amgen sales representatives would not only provide free dinner for the physician and his/her family but would also pay the physician up to \$1,000 simply for showing up at the restaurant and eating a free dinner.

266. Amgen also gained market share by providing medical practice employees with “reimbursement roundtables.” These reimbursement roundtables were often nothing more than an attempt by Amgen to induce the staff of medical providers to prefer Amgen products as these roundtables often featured meals with minimal discussion, if at all, of how to bill for Amgen products.

267. Defendants Florida Cancer Specialists, Gulfcoast Oncology Associates, and ICON all accepted these sham honoraria.

268. Furthermore, Defendant Amgen concealed or failed to disclose these improper financial incentives even though they decreased the effective prices of its pharmaceuticals.

7. Marketing and promotion of off-label sales by Amgen.

269. Amgen caused false claims to be made to the government by marketing and promoting the off-label use of its drugs, including Aranesp.

270. For instance, Aranesp is only indicated for the treatment of anemia associated with chronic renal failure and chemotherapy induced anemia. However, other ESAs including Procrit and Epogen have several other indications in addition to the two indications for Aranesp. Amgen's management pressured its sales representatives to promote the off-label use of Aranesp for these other indications, including anemia in zidovudine-treated HIV patients, reduction of allogeneic blood transfusions in surgery patients, anemia of cancer and MDS. Amgen set quotas for sales of Aranesp that were included in compensation agreements with its sales representatives and in contracts with medical providers. These quotas could only be met if Aranesp was promoted and used for offlabel purposes.

E. Defendant's Fraudulent Activities Have Threatened Public Health and Safety.

271. As explained above, several studies have linked the use of anemia drugs, such as Aranesp and Epogen to cardiovascular incidents including death and faster tumor growth. Furthermore, the FDA added a black box warning to the drugs' labels cautioning doctors that the medications should be administered at the lowest dose possible in order to bring red blood cell counts to the lowest level necessary to avoid transfusions.

272. Therefore, Defendant Amgen, by giving medical providers financial incentives and kickbacks in return for purchasing its anemia drugs, has caused these drugs to be administered in situations in which they are medically unnecessary, thereby unnecessarily exposing patients to risks such as cardiovascular problems.

273. One of the physicians who routinely accepted financial incentives from Amgen in return for purchasing its drugs stated, “Yes, we use Aranesp and Neulasta and some of our patients actually need it” and “Yes, the patient only has 6 more months to live, and that’s 6 more months we can bill Medicare.”

274. Defendant, by providing financial incentives which encouraged the overuse of its anemia drugs, exposed patients to the complications that are associated with higher doses of these drugs.

COUNT ONE
Violation of False Claims Act, 31 U.S.C. § 3729(a)
as to Defendant Amgen

275. Relator realleges and incorporates by reference the allegations of paragraphs 1-274 of this complaint.

276. This count sets forth claims for treble damages and forfeitures under the federal False Claims Act, 31 U.S.C. §§ 3729-3732, as amended.

277. As described above, Defendant Amgen has engaged in fraudulent activities including but not limited to falsely representing the costs of its drugs; engaging in improper sales and marketing schemes including promoting off-label sales and “marketing the spread;” and paying illegal kickbacks to physicians.

278. Defendant has knowingly violated:

(a) 31 U.S.C. § 3729(a)(1) by knowingly presenting, or causing to be presented, to an officer or employee of the United States Government or a member of the Armed Forces of the United States a false or fraudulent claim for payment or approval;

(b) 31 U.S.C. § 3729(a)(2) by knowingly making, using, or causing to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Government; and/or

(c) 31 U.S.C. § 3729(a)(3) by conspiring to defraud the Government by getting a false or fraudulent claim allowed or paid.

279. By reason of Defendant's fraudulent activities, the United States has been damaged, and possibly continues to be damaged.

COUNT TWO
Violation of False Claims Act, 31 U.S.C. § 3729(a)
as to Defendant Medical Providers as Specified Herein

280. Relator realleges and incorporates by reference the allegations of paragraphs 1-279 of this complaint.

281. This count sets forth claims for treble damages and forfeitures under the federal False Claims Act, 31 U.S.C. §§ 3729-3732, as amended.

282. As described above, Defendant Medical Providers have engaged in fraudulent activities including but not limited to purchasing Amgen drug products and submitting claims to the government for reimbursement for these drugs in order to receive financial incentives and kickbacks from Amgen. Defendant Medical Providers also have submitted false or fraudulent claims for payment to the government by engaging in fraudulent practices encouraged by Amgen such as billing government healthcare programs for the overfill in vials.

283. Defendants have knowingly violated:

(a) 31 U.S.C. § 3729(a)(1) by knowingly presenting, or causing to be presented, to an officer or employee of the United States Government or a member of the Armed Forces of the United States a false or fraudulent claim for payment or approval;

(b) 31 U.S.C. § 3729(a)(2) by knowingly making, using, or causing to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Government; and/or

(c) 31 U.S.C. § 3729(a)(3) by conspiring to defraud the Government by getting a false or fraudulent claim allowed or paid.

284. By reason of Defendants' fraudulent activities, the United States has been damaged, and possibly continues to be damaged.

COUNT THREE

**Violation of California False Claims Act, Cal. Gov. Code § 12650 *et seq.*
as to Defendants Amgen and**

Redwood Regional Oncology, Tower Hematology Oncology Medical Group, Cancer Associates of Fresno Medical Group, Inc., Pacific Oncology Hematology Associates, Inc., Regents of the University of California; Pacific Shores Medical Group, Inc. Santa Barbara Hematology-Oncology Medical Group, Inc., Santa Barbara Hematology-Oncology Medical Group, Inc., The Breast Care Center – Oncology Center; East Bay Medical Oncology Hematology Associates, Orange Coast Oncology, Cancer Care Associates Medical Group, Inc., Ventura County Hematology-Oncology Specialists, Inc., Valley Medical Oncology Consultants, Wilshire Oncology Medical Group, and North County Oncology (“California Medical Providers”)

285. Relator realleges and incorporates by reference the allegations of paragraphs 1-284 of this complaint.

286. This is a claim for treble damages and penalties under the California False Claims Act.

287. At all relevant times herein, Defendants Amgen, Redwood Regional Oncology, Tower Hematology Oncology Medical Group, Cancer Associates of Fresno Medical Group, Inc., Pacific Oncology Hematology Associates, Inc., Regents of the University of California; Pacific Shores Medical Group, Inc. Santa Barbara Hematology-Oncology Medical Group, Inc., Santa Barbara Hematology-Oncology Medical Group, Inc., The Breast Care Center – Oncology Center; East Bay Medical Oncology Hematology Associates, Orange Coast Oncology, Cancer Care Associates Medical Group, Inc., Ventura County Hematology-Oncology Specialists, Inc., Valley Medical Oncology Consultants, Wilshire Oncology Medical Group, and North County Oncology (“California Medical Providers”) did business in the State of California.

288. As described above, Defendant Amgen and California Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of California for reimbursement for these drugs. Defendant California Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of California nor was the State of California provided its proportionate share of any discount received.

289. As described herein, Defendants have knowingly violated California’s False Claims Act by submitting these false claims and omitting material information such that the State of California, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and California Medical Providers.

290. By reason of the acts described herein, the State of California has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

291. The State of California is, furthermore, entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and California Medical Providers.

COUNT FOUR
Violation of Delaware False Claims Act, 6 Del. Code § 1201 *et seq.*
as to Defendants Amgen and
Medical Oncology Hematology Consultants, P.A. (“Delaware Medical Providers”)

292. Relator realleges and incorporates by reference the allegations of paragraphs 1-291 of this complaint.

293. This is a claim for treble damages and penalties under the Delaware False Claims and Reporting Act.

294. At all relevant times herein, Defendants Amgen and Medical Oncology Hematology Consultants, P.A. (“Delaware Medical Providers”) did business in the State of Delaware.

295. As described above, Defendant Amgen and Delaware Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Delaware for reimbursement for these drugs. Defendant Delaware Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of Delaware nor was the State of Delaware provided its proportionate share of any discount received.

296. As described herein, Defendants have knowingly violated Delaware’s False Claims and Reporting Act by submitting these false claims and omitting material information such that the State of Delaware, not knowing that these claims were false and not aware of the

omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Delaware Medical Providers.

297. By reason of the acts described herein, the State of Delaware has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

298. The State of Delaware is, furthermore, entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Delaware Medical Providers.

COUNT FIVE

**Violation of Florida False Claims Act, Fl. Stat. § 66.081 *et seq.*
as to Defendants Amgen and**

Florida Cancer Specialists, Gulfcoast Oncology Associates, Integrated Community Oncology Network, LLC, Oncology Hematology Radiation Care, LLC d/b/a Advance Medical Specialists, Palm Beach Cancer Institute, Hematology and Oncology Consultants, Florida Hematology Oncology Specialists, Hematology and Oncology Associates of the Treasure Coast, Mid Florida Hematology and Oncology Centers, Pasco Hernando Oncology Associates, P.A., Regional Consultants in Hematology and Oncology, Boca Raton Community Hospital, Inc., Cancer Institute of Florida, P.A., and South Florida Oncology Hematology (“Florida Medical Providers”)

299. Relator realleges and incorporates by reference the allegations of paragraphs 1-298 of this complaint.

300. This is a claim for treble damages and penalties under the Florida False Claims Act.

301. At all relevant times herein, Defendants Amgen and Florida Cancer Specialists, Gulfcoast Oncology Associates, Integrated Community Oncology Network, LLC, Oncology Hematology Radiation Care, LLC d/b/a Advance Medical Specialists, Palm Beach Cancer Institute, Hematology and Oncology Consultants, Florida Hematology Oncology Specialists, Hematology and Oncology Associates of the Treasure Coast, Mid Florida Hematology and Oncology Centers, Pasco Hernando Oncology Associates, P.A., Regional Consultants in

Hematology and Oncology, Boca Raton Community Hospital, Inc., Cancer Institute of Florida, P.A., and South Florida Oncology Hematology (“Florida Medical Providers”) did business in the State of Florida.

302. As described above, Defendant Amgen and Florida Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Florida for reimbursement for these drugs. Defendant Florida Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of Florida nor was the State of Florida provided its proportionate share of any discount received.

303. As described herein, Defendants have knowingly violated Florida’s False Claims Act by submitting these false claims and omitting material information such that the State of Florida, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Florida Medical Providers.

304. By reason of the acts described herein, the State of Florida has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

305. The State of Florida, is, furthermore, entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Florida Medical Providers.

COUNT SIX

**Violation of Hawai'i False Claims Act, Haw. Rev. Stat. § 661-21 *et seq.*
as to Defendants Amgen and
Oncare Hawaii, Inc. ("Hawai'i Medical Providers")**

306. Relator realleges and incorporates by reference the allegations of paragraphs 1-305 of this complaint.

307. This is a claim for treble damages and penalties under the Hawai'i False Claims Act.

308. At all relevant times herein, Defendants Amgen and Oncare Hawaii, Inc. ("Hawai'i Medical Providers") did business in the State of Hawai'i.

309. As described above, Defendant Amgen and Hawai'i Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Hawai'i for reimbursement for these drugs. Defendant Hawai'i Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of Hawai'i nor was the State of Hawai'i provided its proportionate share of any discount received.

310. As described herein, Defendants have knowingly violated Hawai'i's False Claims Act by submitting these false claims and omitting material information such that the State of Hawai'i, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Hawai'i Medical Providers.

311. By reason of the acts described herein, the State of Hawai'i has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

312. The State of Hawai'i, is, furthermore, entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Hawai'i Medical Providers.

COUNT SEVEN

**Violation of Illinois Whistleblower Reward and Protection Act,
740 Ill. Comp. Stat. § 173/1 *et seq.***

as to Defendants Amgen and

Oncology-Hematology Associates of Central Illinois, Prairie Oncology Management Services, LLC, Intermed Oncology, Northwest Oncology and Hematology, Northwestern Medical Faculty Foundation, Joliet Oncology Hematology Associates, Inc. And Fox Valley Hematology and Oncology, Ltd. ("Illinois Medical Providers")

313. Relator realleges and incorporates by reference the allegations of paragraphs 1-312 of this complaint.

314. This is a claim for treble damages and penalties under the Illinois Whistleblower Reward and Protection Act.

315. At all relevant times herein, Defendants Amgen and Oncology-Hematology Associates of Central Illinois, Prairie Oncology Management Services, LLC, Intermed Oncology, Northwest Oncology and Hematology, Northwestern Medical Faculty Foundation, Joliet Oncology Hematology Associates, Inc. And Fox Valley Hematology and Oncology, Ltd. ("Illinois Medical Providers") did business in the State of Illinois.

316. As described above, Defendant Amgen and Illinois Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Illinois for reimbursement for these drugs. Defendant Illinois Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of Illinois nor was the State of Illinois provided its proportionate share of any discount received.

317. As described herein, Defendants have knowingly violated Illinois Whistleblower Reward and Protection Act by submitting these false claims and omitting material information such that the State of Illinois, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Illinois Medical Providers.

318. By reason of the acts described herein, the State of Illinois has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

319. The State of Illinois, furthermore, entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Illinois Medical Providers.

COUNT EIGHT

Violation of Indiana False Claims and Whistleblower Act, In. Code 5-11-5.5 *et seq.* as to Defendants Amgen and Michiana Hematology-Oncology, Inc., Hematology-Oncology of Indiana, P.C., Oncology Hematology Associates of South West Indiana, Cancer Health Treatment Centers, P.C., For Wayne Medical Oncology and Hematology, and American Health Network Hematology Associates (“Indiana Medical Providers”)

320. Relator realleges and incorporates by reference the allegations of paragraphs 1-319 of this complaint.

321. This is a claim for treble damages and penalties under the Indiana False Claims and Whistleblower Act.

322. At all relevant times herein, Defendants Amgen and Michiana Hematology-Oncology, Inc., Hematology-Oncology of Indiana, P.C., Oncology Hematology Associates of South West Indiana, Cancer Health Treatment Centers, P.C., For Wayne Medical Oncology and Hematology, and American Health Network Hematology Associates (“Indiana Medical Providers”) did business in the State of Indiana.

323. As described above, Defendant Amgen and Indiana Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Illinois for reimbursement for these drugs. Defendant Indiana Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of Indiana nor was the State of Indiana provided its proportionate share of any discount received.

324. As described herein, Defendants have knowingly violated Indiana False Claims and Whistleblower Act by submitting these false claims and omitting material information such that the State of Indiana, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Indiana Medical Providers.

325. By reason of the acts described herein, the State of Indiana has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

326. The State of Indiana, furthermore, entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Indiana Medical Providers.

COUNT NINE
Violation of Louisiana Medical Assistance Programs Integrity Law,
La. Rev. Stat. § 46: 437 *et seq.*
as to Defendants Amgen and
Oncology RX, Louisiana Oncology Associates, and Louisiana Hematology Oncology
Associates (“Louisiana Medical Providers”)

327. Relator realleges and incorporates by reference the allegations of paragraphs 1-326 of this complaint.

328. This is a claim for damages and penalties under the Louisiana Medical Assistance Programs Integrity Law.

329. At all relevant times herein, Defendants Amgen and Oncology RX, Louisiana Oncology Associates, and Louisiana Hematology Oncology Associates (“Louisiana Medical Providers”) did business in the State of Louisiana.

330. As described above, Defendant Amgen and Louisiana Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Louisiana for reimbursement for these drugs. Defendant Louisiana Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of Louisiana nor was the State of Louisiana provided its proportionate share of any discount received.

331. As described herein, Defendants have knowingly violated Louisiana’s Medical Assistance Programs Integrity Law by submitting these false claims and omitting material information such that the State of Louisiana, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Louisiana Medical Providers.

332. By reason of the acts described herein, the State of Louisiana has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

333. The State of Louisiana, furthermore, entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Louisiana Medical Providers.

COUNT TEN

**Violation of Massachusetts False Claims Law, Mass. Gen. Laws Ch. 12 § 5(B) *et seq.*
as to Defendants Amgen and
Berkshire Hematology Oncology, P.C.
("Massachusetts Medical Providers")**

334. Relator realleges and incorporates by reference the allegations of paragraphs 1-333 of this complaint.

335. This is a claim for treble damages and penalties under the Massachusetts False Claims Law.

336. At all relevant times herein, Defendants Amgen and Berkshire Hematology Oncology, P.C. ("Massachusetts Medical Providers") did business in the State of Massachusetts.

337. As described above, Defendant Amgen and Massachusetts Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Massachusetts for reimbursement for these drugs. Defendant Massachusetts Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of Massachusetts nor was the State of Massachusetts provided its proportionate share of any discount received.

338. As described herein, Defendants have knowingly violated the Massachusetts False Claims Law by submitting these false claims and omitting material information such that the State of Massachusetts, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Massachusetts Medical Providers.

339. By reason of the acts described herein, the State of Massachusetts has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

340. The State of Massachusetts, furthermore, is entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Massachusetts Medical Providers.

COUNT ELEVEN

**Violation of Michigan Medicaid False Claims Act, M.C.L. 400.601 *et seq.*
as to Defendants Amgen and**

Cancer and Hematology Centers of Western Michigan, Cancer Care Associates, the Oakland Medical Group, Great Lakes Cancer Management Specialists, Singh and Arora Oncology Hematology, P.C., Genessee Cancer and Blood Disease Treatment Center, Inc., Oncology Care Associates, West Michigan Cancer Center, Michigan Hematology Oncology, P.C., Hematology Oncology Consultants, and Newland Medical Associates (“Michigan Medical Providers”)

341. Relator realleges and incorporates by reference the allegations of paragraphs 1-340 of this complaint.

342. This is a claim for treble damages and penalties under the Michigan Medicaid False Claims Act.

343. At all relevant times herein, Defendants Amgen and Cancer and Hematology Centers of Western Michigan, Cancer Care Associates, the Oakland Medical Group, Great Lakes Cancer Management Specialists, Singh and Arora Oncology Hematology, P.C., Genessee Cancer and Blood Disease Treatment Center, Inc., Oncology Care Associates, West Michigan Cancer Center, Michigan Hematology Oncology, P.C., Hematology Oncology Consultants, and Newland Medical Associates (“Michigan Medical Providers”) did business in the State of Michigan.

344. As described above, Defendant Amgen and Michigan Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Michigan for reimbursement for these drugs. Defendant Michigan Medical Providers received financial incentives and kickbacks from Amgen

that were not properly disclosed to the State of Michigan nor was the State of Michigan provided its proportionate share of any discount received.

345. As described herein, Defendants have knowingly violated the Michigan Medicaid False Claims Act by submitting these false claims and omitting material information such that the State of Michigan, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Michigan Medical Providers.

346. By reason of the acts described herein, the State of Michigan has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

347. The State of Michigan, furthermore, is entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Michigan Medical Providers.

COUNT TWELVE

Violation of New Mexico Medicaid False Claims Act, N.M. Stat. § 27-2F-1 *et seq.* as to Defendants Amgen and New Mexico Oncology Hematology Consultants (“New Mexico Medical Providers”)

348. Relator realleges and incorporates by reference the allegations of paragraphs 1-347 of this complaint.

349. This is a claim for treble damages and penalties under the New Mexico Medicaid False Claims Act.

350. At all relevant times herein, Defendants Amgen and New Mexico Oncology Hematology Consultants (“New Mexico Medical Providers”) did business in the State of New Mexico.

351. As described above, Defendant Amgen and New Mexico Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of New Mexico for reimbursement for these drugs. Defendant New Mexico Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of New Mexico nor was the State of New Mexico provided its proportionate share of any discount received.

352. As described herein, Defendants have knowingly violated the New Mexico Medicaid False Claims Act by submitting these false claims and omitting material information such that the State of New Mexico, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and New Mexico Medical Providers.

353. By reason of the acts described herein, the State of New Mexico has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

354. The State of New Mexico, furthermore, is entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and New Mexico Medical Providers.

COUNT THIRTEEN
Violation of New York False Claims Act, N.Y. Stat. Fin. § 187 *et seq.*
as to Defendants Amgen and
North Shore Hematology Oncology Associates, P.C., Broome Oncology, Hematology
Oncology Associates of Central New York, P.C., Hudson Valley Hematology Oncology,
Queens Long Island Medical Group, P.C., Park Slope Medicine, Buffalo Medical Group,
and Century Medical Associates (“New York Medical Providers”)

355. Relator realleges and incorporates by reference the allegations of paragraphs 1-354 of this complaint.

356. This is a claim for treble damages and penalties under the New York False Claims Act.

357. At all relevant times herein, Defendants Amgen and North Shore Hematology Oncology Associates, P.C., Broome Oncology, Hematology Oncology Associates of Central New York, P.C., Hudson Valley Hematology Oncology, Queens Long Island Medical Group, P.C., Park Slope Medicine, Buffalo Medical Group, and Century Medical Associates (“New York Medical Providers”) did business in the State of New York.

358. As described above, Defendant Amgen and New York Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of New York for reimbursement for these drugs. Defendant New York Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of New York nor was the State of New York provided its proportionate share of any discount received.

359. As described herein, Defendants have knowingly violated the New York False Claims Act by submitting these false claims and omitting material information such that the State of New York, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and New York Medical Providers.

360. By reason of the acts described herein, the State of New York has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

361. The State of New York, furthermore, is entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and New York Medical Providers.

COUNT FOURTEEN

**Violation of Nevada False Claims Act, Nev. Rev. Stat. § 357.040 *et seq.*
as to Defendants Amgen and
Nevada Cancer Center and Cancer and Blood Specialists of Nevada
("Nevada Medical Providers")**

362. Relator realleges and incorporates by reference the allegations of paragraphs 1-361 of this complaint.

363. This is a claim for treble damages and penalties under the Nevada False Claims Act.

364. At all relevant times herein, Defendants Amgen and Nevada Cancer Center and Cancer and Blood Specialists of Nevada ("Nevada Medical Providers") did business in the State of Nevada.

365. As described above, Defendant Amgen and Nevada Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Nevada for reimbursement for these drugs. Defendant Nevada Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of Nevada nor was the State of Nevada provided its proportionate share of any discount received.

366. As described herein, Defendants have knowingly violated the Nevada False Claims Act by submitting these false claims and omitting material information such that the State of Nevada, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Nevada Medical Providers.

367. By reason of the acts described herein, the State of Nevada has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

368. The State of Nevada, furthermore, is entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Nevada Medical Providers.

COUNT FIFTEEN

**Violation of Tennessee Medicaid False Claims Act, Tenn. Stat. § 75-1-181 *et seq.*
as to Defendants Amgen and
Tennessee Oncology PLLC, The West Clinic, Tennessee Cancer Specialists, Boston Baskin
Cancer Group, Kingsport Hematology-Oncology Associates, Thompson Oncology Group,
Chattanooga Oncology Hematology Associates, and East Tennessee Hematology Oncology
Associates (“Tennessee Medical Providers”)**

369. Relator realleges and incorporates by reference the allegations of paragraphs 1-368 of this complaint.

370. This is a claim for treble damages and penalties under the Tennessee Medicaid False Claims Act.

371. At all relevant times herein, Defendants Amgen and Tennessee Oncology PLLC, The West Clinic, Tennessee Cancer Specialists, Boston Baskin Cancer Group, Kingsport Hematology-Oncology Associates, Thompson Oncology Group, Chattanooga Oncology Hematology Associates, and East Tennessee Hematology Oncology Associates (“Tennessee Medical Providers”) did business in the State of Tennessee.

372. As described above, Defendant Amgen and Tennessee Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Tennessee for reimbursement for these drugs. Defendant Tennessee Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of Tennessee nor was the State of Tennessee provided its proportionate share of any discount received.

373. As described herein, Defendants have knowingly violated the Tennessee Medicaid False Claims Act by submitting these false claims and omitting material information such that the State of Tennessee, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Tennessee Medical Providers.

374. By reason of the acts described herein, the State of Tennessee has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

375. The State of Tennessee, furthermore, is entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Tennessee Medical Providers.

COUNT SIXTEEN

Violation of Texas Medicaid Fraud Prevention Law, Tex. Hum. Res. Code § 36.002 *et seq.* as to Defendants Amgen and

South Texas Oncology and Hematology Associates, Houston Cancer Clinic, Oncology Consultants, Tyler Hematology Oncology, Metroplex Hematology/Oncology Associates d/b/a Arlington Cancer Center, Southeast Texas Oncology Partners, Northwest Cancer Center, and Rohit Kappor, M.D., P.A. (“Texas Medical Providers”)

376. Relator realleges and incorporates by reference the allegations of paragraphs 1-375 of this complaint.

377. This is a claim for treble damages and penalties under the Texas Medicaid Fraud Prevention Law.

378. At all relevant times herein, Defendants Amgen and South Texas Oncology and Hematology Associates, Houston Cancer Clinic, Oncology Consultants, Tyler Hematology Oncology, Metroplex Hematology/Oncology Associates d/b/a Arlington Cancer Center, Southeast Texas Oncology Partners, Northwest Cancer Center, and Rohit Kappor, M.D., P.A. (“Texas Medical Providers”) did business in the State of Texas.

379. As described above, Defendant Amgen and Texas Medical Providers have engaged in fraudulent activities including but not limited to selling and purchasing Amgen drug products and submitting claims to the State of Texas for reimbursement for these drugs. Defendant Texas Medical Providers received financial incentives and kickbacks from Amgen that were not properly disclosed to the State of Texas nor was the State of Texas provided its proportionate share of any discount received.

380. As described herein, Defendants have knowingly violated the Texas Medicaid False Claims Act by submitting these false claims and omitting material information such that the State of Texas, not knowing that these claims were false and not aware of the omitted information, paid these claims that would not be paid but for the illegal acts of Defendants Amgen and Texas Medical Providers.

381. By reason of the acts described herein, the State of Texas has been damaged and continues to be damaged in an amount to be fully calculated and stated at trial.

382. The State of Texas, furthermore, is entitled to the maximum penalty for each and every false or fraudulent claim, record or statement made, used, presented, or caused to be made, used, or presented by Defendant Amgen and Texas Medical Providers.

COUNT SEVENTEEN
Violation of 31 U.S.C. § 3730(h)
as to Defendant Amgen

383. Relator realleges and incorporates by reference the allegations of paragraphs 1-382 of this complaint.

384. In violation of the False Claims Act 31 U.S.C. § 3730(h), Defendant Amgen took negative employment actions against Relator, including terminating Relator's employment,

because of lawful acts taken by Relator in furtherance of an action under 31 U.S.C. § 3730, including investigating and reporting Defendant's fraudulent activities.

285. As a result of Defendant Amgen's conduct, Relator has suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Relator requests that judgment be entered against Defendants, ordering that:

a. Defendants pay an amount equal to three times the amount of damages the United States has sustained because of Defendants' actions, plus a civil penalty against Defendants of not less than \$5,500, and not more than \$11,000 for each violation of 31 U.S.C. § 729;

b. Defendants pay an amount equal to three times the amount of damages the State of California has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of California Government Code § 12650(a);

c. Defendants pay an amount equal to three times the amount of damages the State of Delaware has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of Delaware Code § 1201(a);

d. Defendants pay an amount equal to three times the amount of damages the State of Florida has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of Florida Statute § 66.082;

e. Defendants pay an amount equal to three times the amount of damages the State of Hawai'i has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of California Revised Statute § 661-21(a);

f. Defendants pay an amount equal to three times the amount of damages the State of Illinois has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of Illinois Comp. Statute § 175/3(a);

g. Defendants pay an amount equal to three times the amount of damages the State of Indiana has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of Indiana Code 5-11-5.5 *et seq.*;

h. Defendants pay an amount equal to three times the amount of damages the State of Louisiana has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of Louisiana Revised Statute § 437 *et seq.*;

i. Defendants pay an amount equal to three times the amount of damages the State of Massachusetts has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of Massachusetts General Laws Chapter 12 § 5B;

j. Defendants pay an amount equal to three times the amount of damages the State of Michigan has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of Michigan C.L. 400.601 *et seq.*;

k. Defendants pay an amount equal to three times the amount of damages the State of New Mexico has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of New Mexico Statute § 27-2F-1 *et seq.*;

l. Defendants pay an amount equal to three times the amount of damages the State of New York has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of New York State Fin. § 187 *et seq.*;

m. Defendants pay an amount equal to three times the amount of damages the State of Nevada has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of Nevada Revised Statute § 357.040 *et seq.*;

n. Defendants pay an amount equal to three times the amount of damages the State of Tennessee has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of Tennessee Statute § 75-1-181 *et seq.*;

o. Defendants pay an amount equal to three times the amount of damages the State of Texas has sustained because of Defendants' actions, plus all applicable civil penalties for each violation of Texas Hum. Res. Code § 36.002;

p. Relator be awarded the maximum amount allowed pursuant to 31 U.S.C. § 730(d);

q. Defendants cease and desist from violating the False Claims Act, 31 U.S.C. § 3729 *et seq.*

r. Relator be awarded all damages available pursuant to 1 U.S.C. § 3730(h) as a result of Defendant Amgen's retaliation against Relator, including but not limited to 2 times the amount of back pay, interest on the back pay, and compensation for any special damages as a result of the discrimination, including damages for emotional distress;

s. Relator be awarded all costs of this action, including attorneys' fees, expenses, and costs pursuant to 31 U.S.C. § 3730(d) and (h); and

t. The United States and Relator be granted all such other relief as the Court deems just and proper.

///

///

Dated: November 30, 2011



Rob Hennig
California Bar No. 174646
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Los Angeles, CA 90067
rob@robhennig.com
(310) 843-0020 Phone
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Attorney for Plaintiff/*Qui Tam* Relator

DEMAND FOR JURY TRIAL

A trial by jury is requested in this case.

Dated: November 30, 2011



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Attorney for Plaintiff/*Qui Tam* Relator

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA)	
ex rel. DON HANKS)	
	)	NOTICE OF SUBSTITUTION OF
Plaintiffs,	)	COUNSEL AND [PROPOSED]
	)	ORDER
)	
v.	)	<u>FILED UNDER SEAL</u>
)	
AMGEN, INC.; FLORIDA CANCER	)	Civil Action No. CV-08-3096
SPECIALISTS; GULFCOAST ONCOLOGY)	
ASSOCIATES; and INTEGRATED	)	(Johnson, J.)
COMMUNITY ONCOLOGY NETWORK, LLC,	)	(Levy, M.J.)
)	
Defendants.)	

TO THE CLERK OF THE COURT AND ALL COUNSEL AND PARTIES OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Don Hanks hereby substitutes Rob Hennig of The Law Offices of Rob Hennig, 1875 Century Park East, Suite 1770, Los Angeles, CA, 90067-2518, Telephone (310) 843-0020 as its attorney of record in place of James, Hoyer, Newcomer, Smiljanich & Yanchunis, P.A., 4830 W. Kennedy Blvd., One Urban Center, Suite 550, Tampa, FL, 33609, Telephone: 813-286-4100.

All notices given or required to be given and all papers filed or served or required to be served in the above-captioned matter should henceforth be provided to and served upon counsel at the address set forth below:

Rob Hennig
THE LAW OFFICES OF ROB HENNIG
1875 Century Park East, Suite 1770
Los Angeles, CA 90067-2518
Telephone: (310) 843-0020
Facsimile: (310) 843-9150
rob@robhennig.com

I, the undersigned, consent to the above substitution.

Dated: May 17, 2011

By: 

John R. Newcomer

James, Hoyer, Newcomer, Smiljanich &
Yarchunis, P.A.

I, the undersigned, accept the above substitution.

Dated: May 19, 2011

By: 

Rob Hennig

The Law Offices of Rob Hennig

IT IS SO ORDERED.

Dated: _____, 2011

THE HONORABLE STERLING JOHNSON
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

Case Name: *United States of America ex rel. Don Hanks, et al. v. Amgen, Inc., et al.*
Court: **United States District Court – Eastern District New York**
Case No: **CV-08-3096**

I am employed in the City of Long Island City, New York. I am over the age of 18 and not a party to the within action. My business address is: The New York Irish Center Building, 10-38 Jackson Avenue, Number 4, Long Island City, New York 11101.

On NOVEMBER 30, 2011, I served the document(s) described as:

FIRST AMENDED COMPLAINT

on the party or parties addressed as follows:


Deborah Zwany
Assistant United States Attorney
271 Cadman Plaza East
Brooklyn, NY 11201
718-254-7000
718-254-6579 (fax)
Deborah.Zwany@usdoj.gov

Attorneys for the United States of America

Jessica Champa
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United States Department of Justice
Civil Division
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Ben Franklin Station
Washington, DC 20044
202-353-2680
202-514-0280 (fax)

[X] (BY MAIL) I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on NOVEMBER 30, 2011, at Long Island City, New York.


Matthew J. Harris, Esq.